

**Foreign Relations Authorization Act, Fiscal Years 1994 and 1995**

[Public Law 103–236, approved April 30, 1994]

[As Amended Through P.L. 117–263, Enacted December 23, 2022]

AN ACT To authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

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*NOTE.—Sections in this Act amend other State Department and foreign relations legislation and are incorporated elsewhere in this compilation.*

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[Currency: This publication is a compilation of the text of Public Law 103–236. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1.<sup>1</sup> SHORT TITLE.**

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1994 and 1995”.

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<sup>1</sup> 22 U.S.C. 2651 note.

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**TITLE I—DEPARTMENT OF STATE AND  
RELATED AGENCIES**

**PART A—AUTHORIZATION OF  
APPROPRIATIONS**

**SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1)<sup>2</sup> DIPLOMATIC AND CONSULAR PROGRAMS.—For “Diplomatic and Consular Programs”, of the Department of State \$1,704,589,000 for the fiscal year 1994 and \$1,781,139,000 for the fiscal year 1995.

(2)<sup>3</sup> SALARIES AND EXPENSES.—For “Salaries and Expenses”, of the Department of State \$396,722,000 for the fiscal year 1994 and \$391,373,000 for the fiscal year 1995.

(3)<sup>4</sup> ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For “Acquisition and Maintenance of Buildings Abroad”, \$381,481,000 for the fiscal year 1994 and \$309,760,000 for the fiscal year 1995.

(4)<sup>5</sup> REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$4,780,000 for the fiscal year 1994 and \$4,780,000 for the fiscal year 1995.

(5)<sup>6</sup> EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$7,805,000 for the fiscal 1994 and \$6,500,000 for the fiscal year 1995.

(6)<sup>7</sup> OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$23,469,000 for the fiscal year 1994 and \$23,798,000 for the fiscal year 1995.

<sup>2</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1185), provided the following:

“DIPLOMATIC AND CONSULAR PROGRAMS

“For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; \$1,704,589,000, and in addition not to exceed \$665,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717, and in addition not to exceed \$1,185,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246), and in addition not to exceed \$15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) and for expenses of general administration: *Provided*, That notwithstanding section 502 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, “Diplomatic and Consular Programs” and “Salaries and Expenses” under the heading “Administration of Foreign Affairs” may be transferred between such appropriation accounts: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.”

<sup>3</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1185), provided \$396,722,000, for “Salaries and Expenses” for fiscal year 1994.

<sup>4</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1186), provided “\$410,000,000, of which \$10,000,000 is for relocation and renovation costs necessary to facilitate the consolidation of overseas financial and administrative activities in the United States, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.”, for fiscal year 1994.

<sup>5</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1186), provided \$4,780,000 for “Representation allowances” for fiscal year 1994.

<sup>6</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1186), provided \$7,805,000 for “Emergencies in the Diplomatic and Consular Service”, for fiscal year 1994.

<sup>7</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1185), provided \$23,469,000, for the Office of Inspector General, for fiscal year 1994.

(7)<sup>8</sup> PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$15,165,000 for the fiscal year 1994 and \$15,465,000 for the fiscal year 1995.

(8)<sup>9</sup> PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$10,551,000 for the fiscal year 1994 and \$10,079,000 for the fiscal year 1995.

(9)<sup>10</sup> REPATRIATION LOANS.—For “Repatriation Loans”, \$776,000 for the fiscal year 1994 and \$776,000 for the fiscal year 1995, for administrative expenses.

(b) LIMITATIONS.—

(1) Of the amounts authorized to be appropriated for “Salaries and Expenses” under subsection (a)(2) \$500,000 is authorized to be appropriated for the fiscal year 1994 and \$500,000 for the fiscal year 1995 for the Department of State for the recruitment of Hispanic American students from United States institutions of higher education with a high percentage enrollment of Hispanic Americans and for the training of Hispanic Americans for careers in the Foreign Service and in international affairs.

(2) Of the amounts authorized to be appropriated for “Diplomatic and Consular Programs” under subsection (a)(1)—

(A) \$5,000,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 for grants, contracts, and other activities to conduct research and promote international cooperation on environmental and other scientific issues;

(B) \$11,500,000 is authorized to be available for fiscal year 1994 and \$11,900,000 is authorized to be available for fiscal year 1995, only for administrative expenses of the bureau charged with carrying out the purposes of the Migration and Refugee Assistance Act of 1962;

(C) \$700,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 to carry out the activities of the Commission on Protecting and Reducing Government Secrecy established under title IX of this Act and such amounts under this subparagraph are authorized to remain available until expended; and

(D) \$800,000 is authorized to be appropriated for fiscal years 1994 and 1995 to carry out the activities of the Of-

<sup>8</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1186), provided \$15,165,000 for “Payment to the American Institute in Taiwan”.

<sup>9</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1186), provided \$10,551,000 for “Protection of Foreign Missions and Officials” for fiscal year 1994.

<sup>10</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1186), provided the following:

“REPATRIATION LOANS PROGRAM ACCOUNT

“For the cost of direct loans, \$593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$183,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.”

office of Cambodian Genocide Investigations established under part D of title V of this Act.

(E) \$2,000,000 is authorized to be appropriated for fiscal year 1995 for computer upgrades for the Bureau of Intelligence and Research.

(3) Of the amounts authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” under subsection (a)(3), \$95,904,000 is authorized to be appropriated for the fiscal year 1994 and \$114,825,000 is authorized to be appropriated for the fiscal year 1995 for Maintenance of Buildings and Facility Rehabilitation.

(4) Of the amounts authorized to be appropriated for “Protection of Foreign Missions and Officials” in subsection (a)(8)—

(A) \$940,000 is authorized to be available to reimburse the City of Seattle and the State of Washington for security costs associated with the Asian Pacific Economic Cooperation conference held in Seattle in November 1993, on a one-time-only basis, and for purposes of obligation and expenditure of amounts under this subparagraph under Public Law 103–121 as reimbursement for extraordinary protective services under section 208 of title 3, United States Code, the limitations of section 202(10) of title 3, United States Code (concerning 20 or more consulates), shall not apply; and

(B) \$1,000,000 is authorized to be available for fiscal year 1995 to reimburse State and local government agencies for security costs associated with the Western Hemisphere summit scheduled to be held in Miami, Florida in December 1994.

(c)<sup>11</sup> REPEAL.—Effective October 1, 1995, section 401(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99–399) is repealed.

#### SEC. 102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a)<sup>12</sup> ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for “Contributions to International Organizations”, \$865,885,000 for the fiscal year 1994 and \$873,222,000 for the fiscal year 1995 for the Department

<sup>11</sup> 22 U.S.C. 4851 note.

<sup>12</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1187), provided the following:

“INTERNATIONAL ORGANIZATIONS AND CONFERENCES

“CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

“For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$860,885,000: *Provided*, That any payment of arrearages made from these funds shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations, ten percent of said assessment shall be available for obligation only upon a certification to the Congress by the Secretary of State that the United Nations has established an independent office with responsibilities and powers substantially similar to offices of Inspectors General authorized by the Inspector General Act of 1978, as amended: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.”

of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b)<sup>13</sup> **ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**—There are authorized to be appropriated for “Contributions for International Peacekeeping Activities”, \$401,607,000 for the fiscal year 1994 and \$510,204,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) **PEACEKEEPING OPERATIONS.**—There are authorized to be appropriated for “Peacekeeping Operations”, \$75,623,000 for the fiscal year 1994 and \$75,000,000 for the fiscal year 1995 for the Department of State to carry out section 551 of Public Law 87–195.

(d) **SUPPLEMENTAL PEACEKEEPING.**—In addition to amounts authorized to be appropriated for such purpose by subsection (b), there are authorized to be appropriated \$670,000,000 for “Assessed Contributions for International Peacekeeping Activities” for the period beginning on the date of enactment of this Act and ending September 30, 1995.

(e)<sup>14</sup> **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—There are authorized to be appropriated for “International Conferences and Contingencies”, \$6,000,000 for the fiscal year 1994 and \$6,000,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(f) **FOREIGN CURRENCY EXCHANGE RATES.**—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 and 1995 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be avail-

<sup>13</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1187), provided the following:

“CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

“For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, \$401,607,000: *Provided*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.”

<sup>14</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1187), provided the following:

“INTERNATIONAL CONFERENCES AND CONTINGENCIES

“For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672, and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, \$6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed \$200,000 may be expended for representation as authorized by 22 U.S.C. 4085.”

able for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

**SEC. 103. INTERNATIONAL COMMISSIONS.**

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(A)<sup>15</sup> for “Salaries and Expenses” \$11,200,000 for the fiscal year 1994 and \$15,358,000 for the fiscal year 1995; and

(B)<sup>16</sup> for “Construction” \$14,400,000 for the fiscal year 1994 and \$10,398,000 for the fiscal year 1995.

(2)<sup>17</sup> INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$740,000 for the fiscal year 1994 and \$740,000 for the fiscal year 1995.

(3)<sup>17</sup> INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$3,550,000 for the fiscal year 1994 and \$3,550,000 for the fiscal year 1995.

(4)<sup>18</sup> INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$16,200,000 for the fiscal year 1994 and \$14,669,000 for the fiscal year 1995.

**SEC. 104.<sup>19</sup> MIGRATION AND REFUGEE ASSISTANCE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

<sup>15</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1188), provided \$11,200,00 for “Salaries and Expenses” for fiscal year 1994.

<sup>16</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1188), provided \$14,400,000 for “Construction” for fiscal year 1994.

<sup>17</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1188), provided the following:

“AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

“For necessary expenses, not otherwise provided for, including not to exceed \$9,000 for representation expenses incurred by the International Joint Commission, \$4,290,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.”

<sup>18</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103–121; 107 Stat. 1188), provided the following:

“INTERNATIONAL FISHERIES COMMISSIONS

“For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$16,200,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.”

<sup>19</sup>Appropriations for Migration and Refugee Assistance administered by the Department of State are provided in the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act.

Fiscal year 1994 appropriations levels and conditions were provided in title II of Public Law 103–87 (107 Stat. 940, 941):

“MIGRATION AND REFUGEE ASSISTANCE

“For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and

Continued

(1) There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, \$589,188,000 for the fiscal year 1994 and \$592,000,000 for the fiscal year 1995.

(2) There are authorized to be appropriated \$80,000,000 for the fiscal year 1994 and \$80,000,000 for the fiscal year 1995 for assistance for refugees resettling in Israel.

(3) There are authorized to be appropriated \$1,500,000 for the fiscal year 1994 and \$1,500,000 for the fiscal year 1995 for humanitarian assistance, including but not limited to, food, medicine, clothing, and medical and vocational training to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to be available until expended.

**SEC. 105. OTHER PROGRAMS.**

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1)<sup>20</sup> UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", \$4,275,000 for the fiscal year 1994.

(2)<sup>21</sup> ASIA FOUNDATION.—For "Asia Foundation", \$16,000,000 for the fiscal year 1994 and \$16,068,000 for the fiscal year 1995.

**SEC. 106. UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.**

(a)<sup>22</sup> AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; \$670,688,000: *Provided*, That not less than \$80,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further*, That not more than \$11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

"UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

"For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$49,261,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose."

<sup>20</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103-121; 107 Stat. 1188), provided \$4,275,000 for fiscal year 1994.

<sup>21</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103-121; 107 Stat. 1188), provided \$16,000,000 for the Asia Foundation, for fiscal year 1994.

<sup>22</sup>The Department of State and Related Agencies Appropriations Act, 1994 (title V of Public Law 103-121; 107 Stat. 1189), provided the following:

"ARMS CONTROL AND DISARMAMENT AGENCY

"ARMS CONTROL AND DISARMAMENT ACTIVITIES

"For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed \$100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$53,500,000, of which

(1) \$53,500,000 for the fiscal year 1994 and \$59,292,000 for the fiscal year 1995; and

(2) such sums as may be necessary for each of the fiscal years 1994 and 1995 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 49 of the Arms Control and Disarmament Act (22 U.S.C. 2589) is amended—

(1) by striking subsection (a); and

(2) in the first sentence of subsection (b) by striking “pursuant to this section” and inserting “to carry out this Act”.

#### PART B—AUTHORITIES AND ACTIVITIES

##### SEC. 121. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1994 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1994—

(1) for the Department of State, shall not exceed 9,100, of whom not more than 820 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,200, of whom not more than 175 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,850, of whom not more than 250 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1995 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1995—

(1) for the Department of State, shall not exceed 9,100, of whom not more than 770 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,200, of whom not more than 165 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,850, of whom not more than 240 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term “members of the Foreign Service” is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

not less than \$9,500,000 is available until expended only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons.”.

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(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) **WAIVER AUTHORITY.**—(1) Subject to paragraph (2), the Secretary of State, the Director of the United States Information Agency, or the Administrator of the Agency for International Development may waive any limitation under subsection (a) or (b) which applies to the Department of State, the United States Information Agency, or the Agency for International Development, as the case may be, to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before any agency head implements a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

\* \* \* \* \*

**SEC. 128. REPORT ON CONSOLIDATION OF ADMINISTRATIVE OPERATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, jointly with the Director of the United States Information Agency, the Director of the Arms Control and Disarmament Agency, and the Administrator of the Agency for International Development) shall submit, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, a report concerning the feasibility of consolidating domestic administrative operations for the Department of State, the Agency for International Development, the Arms Control and Disarmament Agency and the United States Information Agency. Such report shall include specific recommendations for implementation.

**SEC. 129.<sup>23</sup> FACILITATING ACCESS TO THE DEPARTMENT OF STATE BUILDING.**

(a) **PROCEDURES TO FACILITATE ACCESS.**—The Department of State shall maintain procedures to ensure that the members and staff of the congressional committees of jurisdiction are granted easy access to the Department of State in the conduct of their duties.

(b) **PARKING.**—The Department of State shall also make available adequate parking for members and staff of the congressional committees of jurisdiction in order to facilitate attendance of meetings at the Department of State.

**SEC. 130. REPORT ON SAFETY AND SECURITY OF UNITED STATES PERSONNEL IN SARAJEVO.**

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on For-

<sup>23</sup> 22 U.S.C. 2680–2.

eign Relations of the Senate on the steps taken to enhance the security and physical safety of United States diplomatic personnel in Sarajevo, Bosnia-Herzegovina.

**SEC. 131. PASSPORT SECURITY.**

(a) SENSE OF CONGRESS.—The Congress strongly urges the Secretary of State to ensure that any new passport issuances should, to the maximum extent practicable—

(1) be secure against counterfeiting, alteration, duplication, or simulation;

(2) be easily verifiable with appropriate inspection by public officials and private and commercial personnel; and

(3) contain only United States-sourced materials and technology.

(b) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives detailing actions taken by the Department of State to accomplish the goals set forth in subsection (a).

**SEC. 132.<sup>24</sup> RECORD OF PLACE OF BIRTH FOR TAIWANESE-AMERICANS.**

For purposes of the registration of birth or certification of nationality or issuance of a passport of a United States citizen born in Taiwan, the Secretary of State shall permit the place of birth to be recorded as Taiwan.

**SEC. 133. TERRORISM REWARDS AND REPORTS.**

(a) REWARDS FOR INFORMATION ON ACTS OF INTERNATIONAL TERRORISM IN THE UNITED STATES.—

(1) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708)<sup>25</sup> is amended in subsection (a) by striking “and is primarily outside the territorial jurisdiction of the United States”.

(2) Notwithstanding section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708),<sup>25</sup> in addition to amounts otherwise available the Department of State may expend not more than \$4,000,000 in fiscal years 1994 and 1995 to pay rewards pursuant to section 36(a) of such Act.

(b)<sup>26</sup> ANNUAL REPORTS ON TERRORISM.—

**SEC. 134.<sup>27</sup> PROPERTY AGREEMENTS.**

Whenever the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292), the Department shall account for such transactions in accordance with fiscal year obligations.

<sup>24</sup> 22 U.S.C. 2705 note.

<sup>25</sup> For text of sec. 36(a) and (g), see pages 48 and 50, respectively.

<sup>26</sup> Subsec. (b) amended sec. 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f); and sec. 304(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

<sup>27</sup> 22 U.S.C. 292 note.

**SEC. 135.<sup>28</sup> CAPITAL INVESTMENT FUND.**

(a) **ESTABLISHMENT.**—There is established within the Department of State a Capital Investment Fund to provide for the procurement and enhancement of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources.

(b) **FUNDING.**—Funds otherwise available for the purposes of subsection (a) may be deposited in such Fund.

(c) **AVAILABILITY.**—Amounts deposited into the Fund shall remain available until expended.

(d) **EXPENDITURES FROM THE FUND.**—Amounts deposited in the Fund shall be available for purposes of subsection (a).

(e) **REPROGRAMMING PROCEDURES.**—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

\*       \*       \*       \*       \*       \*       \*

**SEC. 140.<sup>29</sup> VISAS.**

(a)<sup>30</sup> **SURCHARGE FOR PROCESSING CERTAIN VISAS.**—

(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(2) Fees collected under the authority of paragraph (1) shall be deposited as an offsetting collection to any Department of State appropriation, to recover the costs of providing consular services. Such fees shall remain available for obligation until expended.

(3) For the fiscal year 2003, any amount that exceeds \$460,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(b)<sup>31</sup> **AUTOMATED VISA LOOKOUT SYSTEM.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities.

(c)<sup>31</sup> **PROCESSING OF VISAS FOR ADMISSION TO THE UNITED STATES.**—

(1)(A) Beginning 24 months after the date of the enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that official shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains

<sup>28</sup> 22 U.S.C. 2684a.

<sup>29</sup> Authority in this section delegated to the Secretary of State is further delegated to the Under Secretary of State for Management, pursuant to Public Notice 2003, Delegation of Authority No. 212 (59 F.R. 26332; May 19, 1994).

<sup>30</sup> 8 U.S.C. 1351 note.

<sup>31</sup> 8 U.S.C. 1182 note.

information about the excludability of aliens under the Immigration and Nationality Act, has been made and that there is no basis under such system for the exclusion of such alien.

(B) If, at the time an alien applies for an immigrant or nonimmigrant visa, the alien's name is included in the Department of State's visa lookout system and the consular officer to whom the application is made fails to follow the procedures in processing the application required by the inclusion of the alien's name in such system, the consular officer's failure shall be made a matter of record and shall be considered as a serious negative factor in the officer's annual performance evaluation.

(2) If an alien to whom a visa was issued as a result of a failure described in paragraph (1)(B) is admitted to the United States and there is thereafter probable cause to believe that the alien was a participant in a terrorist act causing serious injury, loss of life, or significant destruction of property in the United States, the Secretary of State shall convene an Accountability Review Board under the authority of title III of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(d)<sup>31</sup> ACCESS TO THE INTERSTATE IDENTIFICATION INDEX.—

(1) Subject to paragraphs (2) and (3), the Department of State Consolidated Immigrant Visa Processing Center shall have on-line access, without payment of any fee or charge, to the Interstate Identification Index of the National Crime Information Center solely for the purpose of determining whether a visa applicant has a criminal history record indexed in such Index. Such access does not entitle the Department of State to obtain the full content of automated records through the Interstate Identification Index. To obtain the full content of a criminal history record, the Department shall submit a separate request to the Identification Records Section of the Federal Bureau of Investigation, and shall pay the appropriate fee as provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162).

(2) The Department of State shall be responsible for all one-time start-up and recurring incremental non-personnel costs of establishing and maintaining the access authorized in paragraph (1).

(3) The individual primarily responsible for the day-to-day implementation of paragraph (1) shall be an employee of the Federal Bureau of Investigation selected by the Department of State, and detailed to the Department on a fully reimbursable basis.

(e) FINGERPRINT CHECKS.—

(1) Effective not later than March 31, 1995, the Secretary of State shall in the ten countries with the highest volume of immigrant visa issuance for the most recent fiscal year for which data are available require the fingerprinting of applicants over sixteen years of age for immigrant visas. The Department of State shall submit records of such fingerprints to the Federal Bureau of Investigation in order to ascertain whether such applicants previously have been convicted of a

felony under State or Federal law in the United States, and shall pay all appropriate fees.

(2) The Secretary shall prescribe and publish such regulations as may be necessary to implement the requirements of this subsection, and to avoid undue processing costs and delays for eligible immigrants and the United States Government.

(f) Not later than December 31, 1996, the Secretary of State and the Director of the Federal Bureau of Investigation shall jointly submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, a report on the effectiveness of the procedures authorized in this subsection.

(g) Subsection (d) and (e) shall cease to have effect after May 1, 1998.

\* \* \* \* \*

**SEC. 142. WOMEN'S HUMAN RIGHTS PROTECTION.**

(a) SENSE OF CONGRESS.—The Congress makes the following declarations:

(1) The State Department should designate a senior advisor to the appropriate Undersecretary to promote international women's human rights within the overall human rights policy of the United States Government.

(2) The purpose of assigning a special assistant on women's human rights issues is not to segregate such issues, but rather to assure that they are considered along with other human rights issues in the development of United States foreign policy.

(3) A specifically designated special assistant is necessary because, within the human rights field and the foreign policy establishment, the issues of gender-based discrimination and violence against women have long been ignored or made invisible.

(4) The Congress believes that abuses against women would have greater visibility and protection of women's human rights would improve if the advocate were responsible for integrating women's human rights issues into United States foreign policy, bilateral assistance, multilateral diplomacy, trade policy, and democracy promotion.

(b) CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall notify the Congress of the steps taken to fulfill the objectives detailed in subsection (a).

## PART C—DEPARTMENT OF STATE ORGANIZATION

**SEC. 161. ORGANIZATION OF THE DEPARTMENT OF STATE.**

(a)<sup>32</sup> ORGANIZATION.—Section 1 of the State Department Basic Authorities Act of 1956 is amended to read as follows: \* \* \*

<sup>32</sup>For text of section 1 of the State Department Basic Authorities Act (22 U.S.C. 2651a), as amended by subsec. (a), see page 24.

(b)<sup>33</sup> APPLICATION.—The amendments made by this section and section 162 shall apply with respect to officials, offices, and bureaus of the Department of State when executive orders, regulations, or departmental directives implementing such amendments become effective, or 90 days after the date of enactment of this Act, whichever comes earlier.

(c)<sup>33</sup> TRANSITION.—Any officer of the Department of State holding office on the date of the enactment of this Act shall not be required to be reappointed to any other office, at the Department of State at the same level performing similar functions, as determined by the President, by reason of the enactment of the amendments made by this section and section 162.

(d)<sup>33</sup> REFERENCES IN OTHER ACTS.—Except as specifically provided in this Act, or the amendments made by this Act, a reference in any other provision of law to an official or office of the Department of State affected by the amendment made by subsection (a) (other than the Inspector General of the Department of State and the Chief Financial Officer of the Department of State) shall be deemed to be a reference to the Secretary of State or the Department of State, as may be appropriate.

(e)<sup>33</sup> OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM.—Notwithstanding any other provision of this section, for not less than one year after the date of the enactment of this Act there shall be in the Department of State an Office of the Coordinator for Counterterrorism which shall be headed by a Coordinator for Counterterrorism. The office shall have the same responsibilities and functions as the Office of the Coordinator for Counterterrorism at the Department of State had as of January 20, 1993.

#### SEC. 162. TECHNICAL AND CONFORMING AMENDMENTS.

[(a)–(j) \* \* \*]

(k) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 35 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2707) is amended—

(A) by striking subsection (a); and

(B) in subsection (b)—

(i) by striking the text preceding paragraph (1) and inserting the following: “The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international communications and information policy. The Secretary of State shall—”;

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (1) as paragraph (2);

(iv) by inserting before paragraph (2) (as so redesignated) the following:

“(1) exercise primary authority for the conduct of foreign policy with respect to such telecommunications functions, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this responsibility, the Secretary shall coordinate with other agencies as appropriate, and, in particular, shall give full consideration to the authority vested by law or Executive order in the

<sup>33</sup> 22 U.S.C. 2651a note.

Federal Communications Commission, the Department of Commerce and the Office of the United States Trade Representative in this area;”;

(v) in paragraph (2) (as so redesignated) by striking “with the bureaus and offices of the Department of State and”, and inserting before the semicolon “and with the Federal Communications Commission, as appropriate”; and

(vi) in paragraph (3), by striking “the Senior Interagency Group on International Communications and Information Policy” and inserting “any senior interagency policymaking group on international telecommunications and information policy and chair such interagency meetings as may be necessary to coordinate actions on pending issues;”.

(2)<sup>34</sup> Nothing in the amendments made by paragraph (1) affects the nature or scope of the authority that is on the date of enactment of this Act vested by law or Executive order in the Department of Commerce, the Office of the United States Trade Representative, the Federal Communications Commission, or any officer thereof.

(3)

(4)

[(m)–(q) \* \* \*]<sup>35</sup>

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**PART D—PERSONNEL**

**SUBPART 1—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 172. WAIVER OF LIMITATION FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.**

(a) **CLAIMS RESULTING FROM EMERGENCY EVACUATION IN A FOREIGN COUNTRY.**—Subsection 3721(b) of title 31 of the United States Code is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding after paragraph (1), as so designated, the following:

“(2) The Secretary of State may waive the settlement and payment limitation referred to in paragraph (1) for claims for damage or loss by United States Government personnel under the jurisdiction of a chief of mission in a foreign country if such claims arise in circumstances where there is in effect a departure from the country authorized or ordered under circumstances described in section 5522(a) of title 5, if the Secretary determines that there exists exceptional circumstances that warrant such a waiver.”.

(b)<sup>36</sup> **RETROACTIVE APPLICATION.**—The amendments made by subsection (a) shall apply with respect to claims arising on or after October 31, 1988.

<sup>34</sup> 22 U.S.C. 2707 note.

<sup>35</sup> Sec. 162 has no subsec. (l).

<sup>36</sup> 31 U.S.C. 3721 note.

**SEC. 173. SENIOR FOREIGN SERVICE PERFORMANCE PAY.**

(a)<sup>37</sup> PROHIBITION ON AWARDS.—Notwithstanding any other provision of law, the Secretary of State may not award or pay performance payments for fiscal years 1994 and 1995 under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965), unless the Secretary awards or pays performance awards to other Federal employees for such fiscal years.

(b)<sup>37</sup> AWARDS IN SUBSEQUENT FISCAL YEARS.—The Secretary may not make a performance award or payment in any fiscal year after a fiscal year referred to in subsection (a) for the purpose of providing an individual with a performance award or payment to which the individual would otherwise have been entitled in a fiscal year referred to in such subsection but for the prohibition described in such subsection.

(c)<sup>37</sup> APPLICATION TO USIA, AID, AND ACDA.—Subsections (a) and (b) shall apply to the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency in the same manner as such subsections apply to the Department of State, except that the Director of the United States Information Agency, the Administrator of the Agency for International Development, and the Director of the United States Arms Control and Disarmament Agency shall be subject to the limitations and authority of the Secretary of State under subsections (a) and (b) for their respective agencies.

(d) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 405(b)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

“(4) Any award under this section shall be subject to the limitation on certain payments under section 5307 of title 5, United States Code.”.

\* \* \* \* \*

**SEC. 175. REPORT ON CLASSIFICATION OF SENIOR FOREIGN SERVICE POSITIONS.**

(a) AUDIT AND REVIEW.—Not later than December 31, 1994, the Comptroller General of the United States shall conduct a classification audit of all Senior Foreign Service positions in Washington, District of Columbia, assigned to the Department of State, the Agency for International Development, and the United States Information Agency and shall review the methods for classification of such positions.

(b) REPORT.—Not later than March 1, 1995, the Comptroller General shall submit a report of such audit and review to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 176. ALLOWANCES.**

(a) AWAY-FROM-POST EDUCATION ALLOWANCE.—Section 5924(4)(A) of title 5, United States Code, is amended by inserting after the first sentence the following: “When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or

<sup>37</sup> 22 U.S.C. 3965 note.

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to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and the post.”.

(b) EDUCATIONAL TRAVEL FOR COLLEGE STUDENTS STUDYING ABROAD.—Section 5924(4)(B) of title 5, United States Code, is amended in the first sentence after “in the United States” by inserting “(or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States)”.

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**SEC. 178.<sup>38</sup> MID-LEVEL WOMEN AND MINORITY PLACEMENT PROGRAM.**

(a) PURPOSE.—It is the purpose of this section to promote the acquisition and retention of highly qualified, trained, and experienced women and minority personnel within the Foreign Service, to provide the maximum opportunity for the Foreign Service to meet staffing needs and to acquire the services of experienced and talented women and minority personnel, and to help alleviate the impact of downsizing, reduction-in-force, and budget restrictions occurring in the defense and national security-related agencies of the United States.

(b) ESTABLISHMENT.—For each of the fiscal years 1994 and 1995, the Secretary of State shall to the maximum extent practicable appoint to the Foreign Service qualified women and minority applicants who are participants in the priority placement program of the Department of Defense, the Department of Defense out-placement referral program, the Office of Personnel Management Automated Applicant Referral System, or the Office of Personnel Management Interagency Placement Program. The Secretary shall make such appointments through the mid-level entry program of the Department of State under section 306 of the Foreign Service Act of 1980.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report concerning the implementation of subsection (a) to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include recommendations on methods to improve implementation of the purpose of this section.

**SEC. 179.<sup>39</sup> EMPLOYMENT ASSISTANCE REFERRAL SYSTEM FOR CERTAIN MEMBERS OF THE FOREIGN SERVICE.**

(a) REFERRAL SYSTEM.—Certain members of the Foreign Service (as described in subsection (b)), may participate in the Office of Personnel Management’s Interagency Placement programs or any successor program. Such members of the Foreign Service shall be treated in the same manner as employees participating in such a program as of the effective date of this Act.

<sup>38</sup> 22 U.S.C. 3922a note.

<sup>39</sup> 22 U.S.C. 4010a note.

(b) CERTAIN MEMBERS OF THE FOREIGN SERVICE.—For purposes of this section, the term “members of the Foreign Service” means any individuals holding career or career candidate appointments under chapter 3 of the Foreign Service Act of 1980.

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**SEC. 181. REDUCTION IN FORCE AUTHORITY WITH REGARD TO CERTAIN MEMBERS OF THE FOREIGN SERVICE. \* \* \***

(a)<sup>40</sup> IN GENERAL.—

(b) MANAGEMENT RIGHTS.—

(c)<sup>41</sup> CONSULTATION.—The Secretary of State (or in the case of any other agency authorized by law to utilize the Foreign Service personnel system, the head of that agency) shall consult with the Director of the Office of Personnel Management before prescribing regulations for reductions in force under section 611 of the Foreign Service Act of 1980 (as added by subsection (a) of this section), and shall publish such regulations.

**SEC. 182. RESTORATION OF WITHHELD BENEFITS.**

(a)<sup>42</sup> ELIGIBILITY.—With respect to any person for which the Secretary of State and the Secretary concerned within the Department of Defense have approved the employment or the holding of a position pursuant to the provisions of section 1058, title 10, United States Code, before the date of enactment of this Act, the consents, approvals and determinations under that section shall be deemed to be effective as of January 1, 1993.

(b) TECHNICAL CORRECTION.—Subsection (d) of section 1433 of Public Law 103–160 is repealed.

SUBPART 2—FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE

**SEC. 191. FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE.**

(a)<sup>43</sup> REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall promulgate regulations—

(1) establishing hiring preferences for Foreign Service Officer candidates competent in languages, with priority preference given to those languages in which the Department of State has a deficit;

(2) establishing a standard that employees will not receive long-term training in more than 3 languages, and requiring that employees achieve full professional proficiency (S4/R4) in 1 language as a condition for training in a third, with exceptions for priority needs of the service at the discretion of the Director General;

(3) requiring that employees receiving long-term training in a language, or hired with a hiring preference for a language, serve at least 2 tours in jobs requiring that language, with ex-

<sup>40</sup> Sec. 181(a) amended the Foreign Service Act of 1980 by adding a new sec. 611, relating to reductions in force, and made corresponding technical amendments. For text of sec. 611, see page 517.

<sup>41</sup> 22 U.S.C. 4010a note.

<sup>42</sup> 10 U.S.C. 1058 note.

<sup>43</sup> 22 U.S.C. 3926 note.

ceptions for certain limited-use languages and priority needs of the service at the discretion of the Director General;

(4) requiring that significant consideration be given to foreign language competence and use in the evaluation, assignment, and promotion of all Foreign Service Officers of the Department of State, the Agency for International Development, and the United States Information Agency;

(5) requiring the identification of appropriate Washington, D.C. metropolitan area positions as language-designated; and

(6) requiring remedial training and suspension of language differential payments for employees receiving such payments who have failed to maintain required levels of proficiency.

(b) REPEAL.—Section 164 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4001 note; Public Law 101–246) is repealed.

**SEC. 192.<sup>44</sup> DESIGNATION OF FOREIGN LANGUAGE RESOURCES COORDINATOR.**

(a) POLICY.—It is the sense of the Congress that—

(1) the Department of State, by virtue of the Secretary's overall responsibility under section 701(a) of the Foreign Service Act of 1980 (22 U.S.C. 4011(a)) for training and instruction in the field of foreign relations to meet the needs of all Federal agencies, should take the lead in this interagency effort; and

(2) in order to promote efficiency and quality in the training provided by the Secretary of State and other Federal agencies, the Secretary should call upon other agencies to share in the joint management and coordination of Federal foreign language resources.

(b) FOREIGN LANGUAGE RESOURCES COORDINATOR.—

(1) The Secretary of State should appoint a Foreign Language Resources Coordinator (in this subsection referred to as the "Coordinator") who shall be responsible—

(A) for coordinating the efforts of the appropriate agencies of Government—

(i) to strengthen mechanisms for sharing of foreign language resources; and

(ii) to identify Federal foreign language resource requirements in the areas of diplomacy, military preparedness, international security, and other foreign policy objectives; and

(B) for making recommendations to the Secretary of State as to which Federal foreign language assets, if any, should be made available to the private sector in support of national global economic competitiveness goals.

(2) All appropriate United States Government agencies maintaining and utilizing Federal foreign language training and related resources shall cooperate fully with any Coordinator.

**SEC. 193.<sup>45</sup> FOREIGN LANGUAGE SERVICES.**

(a) SURCHARGE FOR CERTAIN FOREIGN LANGUAGE SERVICES.—Notwithstanding any other provision of law, the Secretary of State

<sup>44</sup> 22 U.S.C. 4021 note.

<sup>45</sup> 22 U.S.C. 2695a.

is authorized to require the payment of an appropriate fee, surcharge, or reimbursement for providing other Federal agencies with foreign language translation and interpretation services.

(b) USE OF FUNDS.—Funds collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing translation or interpretation services in any foreign language. Such funds may remain available until expended.

## TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

### PART A—AUTHORIZATION OF APPROPRIATIONS

#### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out international information activities, and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the Inspector General Act of 1978, the Center for Cultural and Technical Interchange Between North and South Act, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For “Salaries and Expenses”, \$487,988,000 for the fiscal year 1994 and \$494,862,000 for the fiscal year 1995.

(2) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the “Fulbright Academic Exchange Programs”, \$130,538,000 for the fiscal year 1994 and \$126,312,000 for the fiscal year 1995.

(B) OTHER PROGRAMS.—For “Hubert H. Humphrey Fellowship Program”, “Edmund S. Muskie Fellowship Program”, “International Visitors Program”, “Israeli-Arab Scholarship Program”, “Mike Mansfield Fellowship Program”, “Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation”, “Citizen Exchange Programs”, “Congress-Bundestag Exchange Program”, “Newly Independent States and Eastern Europe Training”, “Institute for Representative Government”, “American Studies Collections”, “South Pacific Exchanges”, “East Timorese Scholarships”, “Cambodian Scholarships”, and “Arts America”, \$96,962,000 for the fiscal year 1994 and \$97,046,000 for the fiscal year 1995.

(3) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, \$21,000,000 for the fiscal year 1994 and \$27,609,000 for the fiscal year 1995.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—For “International Broadcasting Activities” under title III, \$541,676,000 for the fiscal year 1994, and \$609,740,000 for the fiscal year 1995.

(5) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$4,247,000 for the fiscal year 1994 and \$4,396,000 for the fiscal year 1995.

(6) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For “Center for Cultural and Technical Interchange between East and West”, \$26,000,000 for the fiscal year 1994 and \$24,500,000 for the fiscal year 1995.

(7) TITLE V OF PUBLIC LAW 98–164.—To carry out title V of Public Law 98–164, \$35,000,000 for the fiscal year 1994 and \$35,000,000 for the fiscal year 1995.

(b) LIMITATIONS.—

(1) Of the amounts authorized to be appropriated for “Salaries and Expenses” under section 201(a)(1) for fiscal year 1995, \$500,000 is authorized to be appropriated for expenses and activities related to United States participation in the 1996 Budapest World’s Fair (Budapest Expo ’96).

(2) Of the amounts authorized to be appropriated for “Fulbright Academic Exchange Programs” under subsection (a)(2)(A)—

(A) \$3,000,000 is authorized to be available for fiscal year 1995 for the Vietnam Scholarship Program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138); and

(B) \$1,500,000 is authorized to be available for fiscal year 1994 and \$2,000,000 is authorized to be available for fiscal year 1995, for the “Environment and Sustainable Development Exchange Program” established by section 241.

(3) Of the amounts authorized to be appropriated for “Other Programs” under subsection (a)(2)(B) \$1,000,000 is authorized to be available for each of the fiscal years 1994 and 1995 for the “American Studies Collections” program established under section 235.

## **PART B—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES**

### **SEC. 221. USIA OFFICE IN LHASA, TIBET.**

(a) ESTABLISHMENT OF OFFICE.—The Director of the United States Information Agency shall seek to establish an office in Lhasa, Tibet, for the purpose of—

- (1) disseminating information about the United States;
- (2) promoting discussions on conflict resolution and human rights;
- (3) facilitating United States private sector involvement in educational and cultural activities in Tibet; and
- (4) advising the United States Government with respect to Tibetan public opinion.

(b) REPORT BY THE DIRECTOR OF USIA.—Not later than April 1 of each year, the Director of the United States Information Agency shall submit a detailed report on developments relating to the implementation of this section to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 222. CHANGES IN ADMINISTRATIVE AUTHORITIES.**

Section 801 of the United States Informational and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended—

(1) in paragraph (5) by striking “and” after the semicolon;

(2) in paragraph (6) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) notwithstanding any other provision of law, to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad.”.

**SEC. 223. EMPLOYMENT AUTHORITY.**

For fiscal years 1994 and 1995, the Director of the United States Information Agency may, in carrying out the provisions of the United States Information and Educational Exchange Act of 1948, employ individuals or organizations by contract for services to be performed in the United States or abroad, who shall not, by virtue of such employment, be considered to be employees of the United States Government for the purposes of any law administered by the Office of Personnel Management, except that the Director may determine the applicability to such individuals of section 804(5) of that Act.

**SEC. 224. BUYING POWER MAINTENANCE ACCOUNT.**

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(2) by inserting “(1)” after “(c)”; and

(3) by adding at the end the following new paragraphs:

“(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

“(3) In order to eliminate substantial gains to the approved levels of overseas operations for the United States Information Agency, the Director shall transfer to the Buying Power Maintenance account such amounts appropriated for ‘Salaries and Expenses’ as the Director determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

“(4) In order to offset adverse fluctuations in foreign currency exchange rates or foreign wages and prices, the Director may transfer from the Buying Power Maintenance account to the ‘Salaries and Expenses’ appropriations account such amounts as the Director determines are necessary to maintain the approved level of operations under that appropriation account.

“(5) Funds transferred by the Director from the Buying Power Maintenance account to another account shall be merged with and

be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Director from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

“(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts that may be obligated or expended by the United States Information Agency shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

“(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the 5th fiscal year after the fiscal year for which funds are appropriated or otherwise made available for the ‘Salaries and Expenses’ account, the Director may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

“(B) The balance of the Buying Power Maintenance account may not exceed \$50,000,000 as a result of any transfer under this paragraph.

“(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 705 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

“(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided in advance in appropriation Acts.”

**SEC. 225. CONTRACT AUTHORITY.**

Section 802(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472(b)) is amended by adding at the end the following:

“(4)(A) Notwithstanding the other provisions of this subsection, the United States Information Agency is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs.

“(B) The authority of this paragraph may be exercised for a fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.”

【Sec. 226 repealed by sec. 4 of Public Law 107–148 (116 Stat. 65).】

**SEC. 227. FULBRIGHT-HAYS ACT AUTHORITIES.**

Section 105(a) of Public Law 87–256 is amended to read as follows:

“(a) Amounts appropriated to carry out the purposes of this Act are authorized to be made available until expended.”

**SEC. 228. SEPARATE LEDGER ACCOUNTS FOR NED GRANTEES.**

Section 504(h)(1) of the National Endowment for Democracy Act (22 U.S.C. 4413(h)(1)) is amended by striking “accounts” and inserting “bank accounts or separate self-balancing ledger accounts”.

**SEC. 229. COORDINATION OF UNITED STATES EXCHANGE PROGRAMS.**

(a) COORDINATION.—Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following:

“(f)(1) The President shall ensure that all exchange programs conducted by the United States Government, its departments and agencies, directly or through agreements with other parties, are reported at a time and in a format prescribed by the Director. The President shall ensure that such exchanges are consistent with United States foreign policy and avoid duplication of effort.

“(2) Not later than 90 days after the date of enactment of this subsection, and annually thereafter, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report pursuant to paragraph (1). Such report shall include information for each exchange program supported by the United States on the objectives of such exchange, the number of exchange participants supported, the types of exchange activities conducted, the total amount of Federal expenditures for such exchanges, and the extent to which such exchanges are duplicative.”.

(b) REPORT BY THE DIRECTOR OF USIA.—Not later than 120 days after the date of enactment of this Act, the Director of the United States Information Agency shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report—

(1) detailing the range of exchange programs administered by the Agency;

(2) identifying possible areas of duplication of inefficiency; and

(3) recommending program consolidation and administrative restructuring as warranted.

[Sec. 230 repealed by sec. 1000(a)(7) [204(e)] of Public Law 106–113 (113 Stat. 1501A-421).]

**SEC. 231. PRIVATE SECTOR OPPORTUNITIES.**

Section 104(e)(4) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454) is amended by inserting before the period “, and of similar services and opportunities for interchange not supported by the United States Government”.

**SEC. 232. AUTHORITY TO RESPOND TO PUBLIC INQUIRIES.**

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended by adding at the end the following new sentence: “The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.”.

**SEC. 233. TECHNICAL AMENDMENT RELATING TO NEAR AND MIDDLE EAST RESEARCH AND TRAINING.**

Section 228(d) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting “and includes the Republic of Turkey” before the period at the end thereof.

**SEC. 234. DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN MATERIALS OF THE UNITED STATES INFORMATION AGENCY.**

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the following:

(1) The United States Information Agency’s Thomas Jefferson Paper Show, which commemorates the 250th anniversary of the birth of Thomas Jefferson.

(2) The documentary entitled “Crimes Against Humanity”, a film about the ensuing conflict in the former Yugoslavia.

**SEC. 235. AMERICAN STUDIES COLLECTIONS.**

(a) **AUTHORITY.**—In order to promote a thorough understanding of the United States among emerging elites abroad, the Director of the United States Information Agency is authorized to establish and support collections at appropriate university libraries abroad to further the study of the United States, and to enter into agreements with such universities for such purposes.

(b) **DESIGN AND DEVELOPMENT.**—Such collections—

(1) shall be developed in consultation with United States associations and organizations of scholars in the principal academic disciplines in which American studies are conducted; and

(2) shall be designed primarily to meet the needs of undergraduate and graduate students of American studies.

(c) **SITE SELECTION.**—In selecting universities abroad as sites for such collections, the Director shall—

(1) ensure that such universities are able, within a reasonable period of the establishment of such collections, to assume responsibility for their maintenance in current form;

(2) ensure that undergraduate and graduate students shall enjoy reasonable access to such collections; and

(3) include in any agreement entered into between the United States Information Agency and a university abroad, terms embodying a contractual commitment of such maintenance and access under this subsection.

(d) **FUNDING.**—

(1) The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the “fund”) to carry out the purposes of this section and to enter into such agreements as may be necessary to carry out the purposes of this section.

(2)(A) The Director shall make deposits to the fund of amounts appropriated or otherwise made available to carry out this section.

(B) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out this section. Sums donated to carry out the purposes of this section shall be deposited into the fund.

(3) The corpus of the fund shall be invested in federally-insured bank savings accounts or comparable interest-bearing

accounts, certificates of deposit, money market funds, obligations of the United States, or other low-risk instruments and securities.

(4) The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the purposes of this section.

(e) AVAILABILITY OF AUTHORIZATIONS OF APPROPRIATIONS.—Authorizations of appropriations for the purposes of this section shall be available without fiscal year limitation and shall remain available until used.

**SEC. 236. EDUCATIONAL AND CULTURAL EXCHANGES WITH TIBET.**

The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

**SEC. 237. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.**

Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1994 and 1995, scholarships for East Timorese students qualified to study in the United States for the purpose of studying at the undergraduate level in a United States college or university. Each scholarship made available under this subsection shall be for not less than one semester of study.

**SEC. 238. CAMBODIAN SCHOLARSHIP AND EXCHANGE PROGRAMS.**

(a) PURPOSE.—It is the purpose of this section to provide financial assistance—

(1) to establish a scholarship program for Cambodian college and post-graduate students to study in the United States; and

(2) to expand Cambodian participation in exchange programs of the United States Information Agency.

(b) PROGRAM.—(1) The Director of the United States Information Agency shall establish a scholarship program to enable Cambodian college students and post-graduate students to study in the United States.

(2) The Director of the United States Information Agency shall also include qualified Cambodian citizens in exchange programs funded or otherwise sponsored by the Agency, in particular the Fulbright Academic Program, the International Visitor Program, and the Citizen Exchange Program.

(c) DEFINITION.—For the purposes of this section, the term “scholarship” means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

**SEC. 239. INCREASING AFRICAN PARTICIPATION IN USIA EXCHANGE PROGRAMS.**

The Director of the United States Information Agency shall expand exchange program allocations to Africa, in particular Fulbright Academic Exchanges, International Visitor Programs, and Citizen Exchanges, and shall further encourage a broadening of affiliations and links between United States and African institutions.

**SEC. 240. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT EXCHANGE PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to establish a program to promote academic exchanges in disciplines relevant to environment and sustainable development.

(b) **PROGRAM AUTHORITY.**—Notwithstanding any other provision of law, the Director of the United States Information Agency, through the Bureau of Educational and Cultural Affairs, shall provide scholarships beginning in the fiscal year 1994, and for each fiscal year thereafter, for study at United States institutions of higher education in furtherance of the purpose of this section for foreign students who have completed their undergraduate education and for postsecondary educators.

(c) **GUIDELINES.**—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall administer this program under the auspices of the Fulbright Academic Exchange Program.

(3) The United States Information Agency shall ensure the regional diversity of this program through the selection of candidates from Asia, Africa, Latin America, as well as Europe and the Middle East.

(d) **DEFINITION.**—For purposes of this section, the term “institution of higher education” has the same meaning given to such term by section 101 of the Higher Education Act of 1965.

**SEC. 241. SOUTH PACIFIC EXCHANGE PROGRAMS.**

(a) **AUTHORIZED PROGRAMS.**—The Director of the United States Information Agency is authorized to award academic scholarships to qualified students from the sovereign nations of the South Pacific region to pursue undergraduate and postgraduate study at institutions of higher education in the United States; to make grants to accomplished United States scholars and experts to pursue research, to teach, or to offer training in such nations; and to make grants for youth exchanges.

(b) **LIMITATION.**—Grants awarded to United States scholars and experts may not exceed 10 percent of the total funds awarded for any fiscal year for programs under this section.

**SEC. 242. INTERNATIONAL EXCHANGE PROGRAMS INVOLVING DISABILITY RELATED MATTERS.**

(a) **AUTHORITY.**—In carrying out the authorities of section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)), the President shall ensure that such authorities are used to promote educational, cultural, medical, and scientific meetings, training, research, visits, interchanges, and other activities, with respect to disability matters, including participation by individuals with disabilities (within the meaning of section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) in such activities, through such nonprofit organizations as have a demonstrated capability to coordinate exchange programs involving disability-related matters.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall submit a report to Congress describing implementation of the requirements of this section.

(c) **ANNUAL SUMMARY OF ACTIVITIES.**—As part of the Congressional presentation materials submitted in connection with the annual budget request for the United States Information Agency, the Director of the Agency shall include a summary of the international exchange activities which meet the requirements of this section.

**PART C—MIKE MANSFIELD FELLOWSHIPS****SEC. 251. SHORT TITLE.**

This part may be cited as the “Mike Mansfield Fellowship Act”.

**SEC. 252. ESTABLISHMENT OF FELLOWSHIP PROGRAM.**

(a) **ESTABLISHMENT.**—(1) There is hereby established the “Mike Mansfield Fellowship Program” pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 253(5)(C), for such shorter period of time as the Center may determine based on a Fellow’s level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan’s political economy.

(B) During the second year each fellowship recipient will serve as a fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, and the agency of the United States Government from which the fellow originated, consistent with the purposes of this part.

(2) Fellowships under this part may be known as “Mansfield Fellowships”, and individuals awarded such fellowships may be known as “Mansfield Fellows”.

(b) **ELIGIBILITY OF CENTER FOR GRANTS.**—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 253.

(c) **INTERNATIONAL AGREEMENT.**—The Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing fellows in the Government of Japan.

(d) **PRIVATE SOURCES.**—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Director of the United States Information Agency.

(e) **USE OF FEDERAL FACILITIES.**—The National Foreign Affairs Training Center is authorized and encouraged to assist, on a reimbursable basis, in carrying out Japanese language training by the Center through the provision of teachers, classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute's carrying out its other responsibilities under law.

**SEC. 253. PROGRAM REQUIREMENTS.**

The program established under this part shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this part shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government, and such other qualifications as are determined by the Center.

(2) Not more than 10 fellowships may be awarded each year of which not more than 3 shall be awarded to individuals who are not detailed employees of the Government.

(3)(A) Fellows shall agree to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds.

(B) Fellows who are not detailees shall agree to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the fellow is unable (for reasons beyond the fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide—

(A) to each fellow who is not a detailee a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) to each fellow (including detailees) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the higher cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to \$1,000 for personal belongings of fellows and their families in their move to Japan and one-round-trip economy-class airline ticket to Japan for each fellow and the fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a fellow has Japanese language skills or knowledge of Japan's political economy, and the 2-year fellowship period shall be shortened to the extent such training is less than one year.

(6) Any fellow who is not a detailee who does not comply with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9).

(B) Pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist, to the extent possible, any fellow who is not a detailee in finding employment in the Federal Government if such fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a fellow.

(9) No fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The financial records of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the financial records of the Center are normally kept. All books, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Director of the United States Information Agency no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of \$5,000 and any payments of compensation, salaries, or fees at a rate in excess of \$5,000 per year. The report shall be produced in sufficient copies for the public.

**SEC. 254. SEPARATION OF GOVERNMENT PERSONNEL DURING THE FELLOWSHIPS.**

(a) SEPARATION.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this part and is not detailed under section 255.

(b) REEMPLOYMENT.—Any fellow who is not a detailee, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5, United States Code.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 8347(o), 8713, or 8914 of title 5, United States Code, and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a fellow who is not a detailee, is entitled to the same rights and benefits as if covered by section 3582 of title 5, United States Code. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5, United States Code.

(d) COMPLIANCE WITH BUDGET ACT.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

**SEC. 255. MANSFIELD FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.**

(a) IN GENERAL.—(1) An agency head may detail, for a period of not more than 2 years, an employee of the agency who has been awarded a Mansfield Fellowship, to the Center.

(2) Each fellow who is detailed under this section shall enter into a written agreement with the Federal Government before receiving a fellowship that the fellow will—

(A) continue in the service of the fellow's agency at the end of the fellowship for a period of at least 2 years unless the fellow is involuntarily separated from the service of such agency; and

(B) pay to the United States Information Agency any additional expenses incurred by the Federal Government in connection with the fellowship if the fellow is voluntarily separated from service with the fellow's agency before the end of the period for which the fellow has agreed to continue in the service of such agency.

(3) The payment agreed to under paragraph (2)(B) may not be required of a fellow who leaves the service of such agency to enter into the service of another agency in any branch of the United States Government unless the head of the agency that authorized the fellowship notifies the employee before the effective date of entry into the service of the other agency that payment will be required under this section.

(b) STATUS AS GOVERNMENT EMPLOYEE.—A fellow detailed under subsection (a) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefore is deemed to comply with section 5536 of title 5, United States Code.

(c) REIMBURSEMENT.—Fellows may be detailed under subsection (a) without reimbursement to the United States by the Center.

(d) ALLOWANCES AND BENEFITS.—A fellow detailed under subsection (a) may be paid by the Center for allowances and benefits listed in section 253(4)(B).

**SEC. 256. LIABILITY FOR REPAYMENTS.**

If any fellow fails to fulfill the fellow's agreement to pay the United States Information Agency for the expenses incurred by the United States Information Agency in connection with the fellowship, a sum equal to the amount of the expenses of the fellowship shall be recoverable by the United States Information Agency from the fellow (or a legal representative) by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the fellow from the Federal Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Federal Government.

**SEC. 257. DEFINITIONS.**

For purposes of this part—

(1) the term “agency of the United States Government” includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term “agency head” means—

(A) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(B) in the case of the judicial branch of Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(3) the term “Center” means the Mansfield Center for Pacific Affairs; and

(4) the term “detailee” means an employee of an agency of the United States Government on assignment or loan to the Mansfield Center for Pacific Affairs without a change of position from the agency by which he or she is employed.

## **TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT**

### **SEC. 301. SHORT TITLE.**

This title may be cited as the “United States International Broadcasting Act of 1994”.<sup>46</sup>

### **TITLE IV—INTERNATIONAL ORGANIZATIONS**

#### **PART A—UNITED NATIONS REFORM AND PEACEKEEPING OPERATIONS<sup>47</sup>**

### **SEC. 401. UNITED NATIONS OFFICE OF INSPECTOR GENERAL.**

(a) **WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.**—Until a certification is made under subsection (b), the following amounts shall be withheld from obligation and expenditure (in addition to any amounts required to be withheld by any other provision of this Act):

(1) **FY 1994 ASSESSED CONTRIBUTIONS FOR U.N. REGULAR BUDGET.**—Of the funds appropriated for “Contributions to International Organizations” for fiscal year 1994, 10 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(2) **FY 1995 ASSESSED CONTRIBUTIONS FOR U.N. REGULAR BUDGET.**—Of the funds appropriated for “Contributions to International Organizations” for fiscal year 1995, 20 percent of

<sup>46</sup>An updated version of title III appears in another location.

<sup>47</sup>This part also is printed in section H—United Nations and Other International Organizations, beginning at page 1536.

the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(3) SUPPLEMENTAL ASSESSED PEACEKEEPING CONTRIBUTIONS.—Of the funds appropriated for “Contributions for International Peacekeeping Activities” for a fiscal year pursuant to the authorization of appropriations under section 102(d), 50 percent shall be withheld.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent office of Office of Internal Oversight Services to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations;

(2) the Secretary General of the United Nations has appointed an Office of Internal Oversight Services, with the approval of the General Assembly, and that appointment was made principally on the basis of the appointee’s integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the Office of Internal Oversight Services is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations;

(4) the United Nations has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the Office of Internal Oversight Services;

(5) the United Nations has procedures in place designed to ensure compliance with the recommendations of the Office of Internal Oversight Services; and

(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Services are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.

(c) SPECIALIZED AGENCIES.—United States representatives to the United Nations should promote complete Inspector General access to all records and officials of the specialized agencies of the United Nations, and should strive to achieve such access by fiscal year 1996.

(d) DEFINITION.—For purposes of this part, the term “Inspector General” means the head of an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

**Sec. 402 Foreign Relations Authorization Act, Fiscal Years... 40****SEC. 402. UNITED STATES PARTICIPATION IN MANAGEMENT OF THE UNITED NATIONS.**

It is the sense of the Congress that, consistent with the United Nations Charter, United States nationals should have equitable representation at senior management levels in the United Nations system, especially in the Department for Administration and Management<sup>48</sup> and in the office of the Inspector General.

**SEC. 403. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE FUNDING FOR UNITED NATIONS PEACEKEEPING OPERATIONS.**

It is the sense of the Senate that beginning October 1, 1995, funds made available to the Department of Defense (including funds for "Operation and Maintenance") shall be available for—

(1) United States assessed or voluntary contributions for United Nations peacekeeping operations, or

(2) the unreimbursable incremental costs associated with the participation of United States Armed Forces in any United Nations peacekeeping operation (other than an operation necessary to protect American lives or United States national interests),

only to the extent that the Congress has authorized, appropriated, or otherwise approved funds for such purposes.

**SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.**

(a) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative of the United States to the United Nations should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping operations. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that, when appropriate, host governments and other governments in the region where a United Nations peacekeeping operation is carried out should bear a greater burden of its financial cost.

(b)<sup>49</sup> LIMITATION ON UNITED STATES CONTRIBUTIONS.—

(1) FISCAL YEARS 1994 AND 1995.—Funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for fiscal years 1994 and 1995 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 30.4 percent of the total of all assessed contributions for that operation, notwithstanding the last sentence of the paragraph headed "Contributions to International Organizations" in Public Law 92-544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note).

(2) SUBSEQUENT FISCAL YEARS.—(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for any fiscal year after fiscal year 1995 shall not be available for the payment of the United States assessed con-

<sup>48</sup> As enrolled. Should read "Management".

<sup>49</sup> 22 U.S.C. 287e note.

tribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.

(B) **REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.**—Notwithstanding the percentage limitation contained in subparagraph (A), the United States share of assessed contributions for each United Nations peacekeeping operation during the following periods is authorized to be as follows:

- (i) For assessments made during calendar year 2001, 28.15 percent.
- (ii) For assessments made during calendar year 2002, 27.90 percent.
- (iii) For assessments made during calendar year 2003, 27.40 percent.
- (iv) For assessments made during calendar year 2004, 27.40 percent.
- (v)<sup>50</sup> For assessments made during each of the calendar years 2005, 2006, 2007, 2008, and 2009, 27.1 percent.
- (vi) For assessments made during calendar year 2010, 27.3 percent.

(3) **CONFORMING AMENDMENT.**—The last sentence of the paragraph headed “Contributions to International Organizations” in Public Law 92–544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note), is amended by striking “conducted by or under the auspices of the United Nations or” and inserting “(other than United Nations peacekeeping operations) conducted”.

**SEC. 405. UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTINATIONAL FORCES.**

It is the sense of the Congress that—

(1) the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of a multinational force who are captured are accorded protections equivalent to those accorded to prisoners of war under the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(2) the President should also take all necessary steps to bring to justice all individuals responsible for any mistreatment or torture of, or for causing the death of, United States military personnel who are captured while serving in a multinational force.

**SEC. 406.<sup>51</sup> TRANSMITTALS OF CERTAIN UNITED NATIONS DOCUMENTS.**

Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended— \* \* \*

<sup>50</sup>Margin for clause (v) so in law.

<sup>51</sup>See page 1519.

**SEC. 407.<sup>52</sup> CONSULTATIONS AND REPORTS.**

[(a) Repealed by section 1000(a)(vii)[724(a)(2)] of Public Law 106–113 (113 Stat. 1501A-467.)

(b) ANNUAL REPORTS.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by the preceding section of this title, is further amended by adding at the end the following: \* \* \*<sup>53</sup>

**SEC. 408. TRANSFERS OF EXCESS DEFENSE ARTICLES FOR INTERNATIONAL PEACEKEEPING OPERATIONS.**

Chapter 2 of part II of the Foreign Assistance Act of 1961 is amended by adding after section 519 (22 U.S.C. 2321m) the following:

**“SEC. 520.<sup>54</sup> TRANSFERS OF EXCESS DEFENSE ARTICLES FOR INTERNATIONAL PEACEKEEPING OPERATIONS.**

“(a) GENERAL AUTHORITY.—The President may transfer to international and regional organizations of which the United States is a member such excess defense articles as the President determines necessary to support international peacekeeping operations and other activities and operations to maintain and restore international peace and security. Such transfers shall be on such terms and conditions as the President may determine, consistent with this section.

“(b) CONDITIONALITY OF AUTHORITY.—

“(1) IN GENERAL.—The authority of subsection (a) may not be exercised with respect to an international or regional organization until the United States has entered into a written agreement with that organization providing that the value of any excess defense articles transferred under this section shall be credited against United States assessed contributions to that organization. For purposes of this paragraph, the term ‘value’ means such amount as may be agreed upon by the United States and the recipient organization, except that such amount may not be less than the value (as defined in section 644(m)(1) of this Act) of the articles transferred.

“(2) CREDITING OF TRANSFERS.—(A) The credit provided for pursuant to paragraph (1) shall be counted against United States assessed contributions to the recipient organization that are payable from the ‘Contribution to International Peacekeeping Activities’ account of the Department of State, except to the extent such credit is counted, in accordance with subparagraph (B), against an assessed contribution payable from an account established within the Department of Defense.

“(B) If—

“(i) an account is established within the Department of Defense for payment of a portion of United States assessed contributions for United Nations operations,

“(ii) excess defense articles are transferred under this section for a United Nations operation, and

“(iii) the United States assessed contribution for that operation is payable from that account,

<sup>52</sup> 22 U.S.C. 287b note.

<sup>53</sup> For text of sec. 4, as amended, see page 1519.

<sup>54</sup> 22 U.S.C. 2321n. The Foreign Assistance Act of 1961, as amended through 1993, may be found in *Legislation on Foreign Relations Through 1993*, vol. I-A.

the credit for those excess defense articles shall be counted against the assessed contribution payable from that account, but only to the extent that the value of the excess defense articles so transferred for that operation during a fiscal year does not exceed the total United States assessed contribution payable for that operation from that account during that fiscal year.

“(c) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

“(1) they are drawn from existing stocks of the Department of Defense (or the Coast Guard);

“(2) funds available to the Department of Defense (or the Coast Guard) for the procurement of defense equipment are not expended in connection with the transfer;

“(3) the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States; and

“(4) the President has established procedures and requirements, comparable to those applicable under section 505 of this Act, to ensure that such excess defense articles will be used only for purposes that have been agreed to by the United States.

“(d) NOTIFICATION TO CONGRESS.—

“(1) IN GENERAL.—The President shall notify the designated congressional committees regarding any transfer of excess defense articles under this section in accordance with paragraph (2). This notification shall include—

“(A) a discussion of the need for the transfer;

“(B) an assessment of the impact of the transfer on the military readiness of the United States; and

“(C) a statement of—

“(i) the acquisition cost and the value (as defined in section 644(m)(1) of this Act) of the excess defense articles to be transferred, and

“(ii) the aggregate acquisition cost and the aggregate value (as so defined) of all excess defense articles for which notification has been provided under this subsection during that fiscal year with respect to transfers to the same organization under this section.

“(2) TIMING OF NOTICE.—(A) The President shall notify the designated congressional committees pursuant to paragraph (1) at least 15 days before the excess defense articles are transferred under this section, except as provided in subparagraph (B).

“(B) If the President determines that an unforeseen emergency requires the immediate transfer of excess defense articles under this section, the President—

“(i) may waive the requirement of subparagraph (A) that notice be provided at least 15 days in advance of the transfer; and

“(ii) shall promptly notify the designated congressional committees of such waiver and transfer.

“(3) DESIGNATED COMMITTEES.—As used in this subsection, the term ‘designated congressional committees’ means the

Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

“(e) TRANSPORTATION AND RELATED COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds available to the Department of Defense shall not be expended for crating, packing, handling, and transporting excess defense articles transferred under the authority of this section.

“(2) EXCEPTION.—Notwithstanding any other provision of law, the President may direct the crating, packing, handling, and transporting of excess defense articles without charge to an international or regional organization if the President determines that waiving such costs advances the foreign policy interests of the United States.

“(f) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) shall not apply with respect to transfers of excess defense articles under this section and to any costs of crating, packing, handling, and transporting incurred under subsection (e)(2).”.

**SEC. 409.<sup>55</sup> REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.**

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated for “Assessed Contributions to International Organizations” by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President’s representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

[(d) Repealed by section 405(b)(2) of Public Law 107–228.]

<sup>55</sup> 22 U.S.C. 287e note.

(e) REPEAL OF EXISTING LAW.—Section 162 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 is amended by striking subsections (a), (b), (c), and (d).

**SEC. 410.<sup>55</sup> LIMITATION ON CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.**

The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

**SEC. 411. UNITED NATIONS SECURITY COUNCIL MEMBERSHIP.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The effectiveness of the United Nations Security Council in maintaining international peace and security depends on its being representative of the membership of the United Nations.

(2) The requirement of equitable geographic distribution in Article 23 of the United Nations Charter requires that the members of the Security Council of the United Nations be chosen by nondiscriminatory means.

(3) The use of informal regional groups of the General Assembly as the sole means for election of the nonpermanent members of the Security Council is inherently discriminatory in the absence of guarantees that all member states will have the opportunity to join a regional group, and has resulted in discrimination against Israel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should direct the Secretary of State to request the Secretary General of the United Nations to seek immediate resolution of the problem described in this section. The President shall inform the Congress of any progress in resolving this situation, together with the submission to Congress of the request for funding for the “Contributions to International Organizations” account of the Department of State for the fiscal year 1995.

**SEC. 412. REFORMS IN THE WORLD HEALTH ORGANIZATION.**

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that United States contributions to the World Health Organization (WHO) should be utilized in the most effective and efficient manner possible, particularly for the reduction of diseases and disabilities in developing countries.

(b) POLICY.—The President shall direct the United States representatives to the World Health Assembly, the Executive Board, and the World Health Organization to monitor the activities of the World Health Organization to ensure that such organizations achieve—

(1) the timely implementation of reforms and management improvements, including those outlined in the resolutions of

**Sec. 413 Foreign Relations Authorization Act, Fiscal Years... 46**

the 46th World Health Assembly related to the external Auditor (WHA 46.21), the Report of the Executive Board on the WHO Response to Global Change (WHA 46.16) and actions for Budgetary Reform (WHA 46.35); and

(2) the effective and efficient utilization and monitoring of resources, including—

(A) the determination of strategic and financial priorities; and

(B) the establishment of realistic and measurable targets in accordance with the established health priorities.

**SEC. 413. REFORMS IN THE FOOD AND AGRICULTURE ORGANIZATION.**

In light of the longstanding efforts of the United States and the other major donor nations to reform the Food and Agriculture Organization (FAO) and the findings of the ongoing investigation of the General Accounting Office, the Congress makes the following declarations:

(1) It should be the policy of the United States to promote the following reforms in the Food and Agriculture Organization:

(A) Decentralization of the administrative structure of FAO, including eliminating redundant or unnecessary headquarters staff, increased responsibilities of regional offices, increased time for consideration of budget issues by member states, and a more meaningful and direct role for member states in the decisionmaking process.

(B) Reform of the FAO Council, including formation of an executive management committee to provide oversight of management.

(C) Limitation of the term of the Director General and the number of terms which an individual may serve.

(D) Restructuring of the Technical Cooperation Program (TCP), including reducing the number of non-emergency projects funded through the TCP and establishing procedures to deploy TCP consultants, supplies, and equipment in a timely manner.

(2) In an effort to increase the presence of United States personnel at the international food agencies and to enhance the professionalism of these institutions, it should be the policy of the United States, to the maximum extent practicable, to utilize existing personnel programs such as the United States Department of Agriculture Associate Professional Officer program to place United States personnel with unique skills in the Food and Agriculture Organization, the International Fund for Agricultural Development, and the World Food Program.

**SEC. 414. SENSE OF CONGRESS REGARDING ADHERENCE TO UNITED NATIONS CHARTER.**

It is the sense of the Congress that—

(1) the President should seek an assurance from the Secretary General of the United Nations that the United Nations will comply with Article 100 of the United Nations Charter;

(2) neither the Secretary General of the United Nations nor his staff should seek or receive instructions from any gov-

ernment or from any other authority external to the United Nations; and

(3) the President should report to Congress when he receives such assurance from the Secretary General of the United Nations.

**SEC. 415.<sup>56</sup> DESIGNATED CONGRESSIONAL COMMITTEES.**

For purposes of this part, the term “designated congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

**PART B—GENERAL PROVISIONS AND OTHER  
INTERNATIONAL ORGANIZATIONS**

**SEC. 421. AGREEMENT ON STATE AND LOCAL TAXATION.**

The President is authorized to bring into force for the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, which was signed by the United States on April 21, 1992, except that, notwithstanding the provisions of Article 1.B of such Agreement, such Agreement shall not require any refunds of monies paid with respect to tax years ending on or before December 31, 1993.

**SEC. 422. CONFERENCE ON SECURITY AND COOPERATION IN EUROPE.**

The President is authorized to implement, for the United States, the provisions of Annex 1 of the Decision concerning Legal Capacity and Privileges and Immunities, issued by the Council of Ministers of the Conference on Security and Cooperation in Europe on December 1, 1993, in accordance with the terms of that Annex.

**SEC. 423. INTERNATIONAL BOUNDARY AND WATER COMMISSION.**

(a) **AUTHORIZATION TO RECEIVE PAYMENTS.**—Section 2 of the American-Mexican Chamizal Convention Act of 1964 (Public Law 88–300; 22 U.S.C. 277d–18) is amended—

(1) by inserting “(a)” before “The”; and

(2) by adding at the end the following new subsections:

“(b) The United States Commissioner is authorized to receive payments of money from public or private sources in the United States or Mexico made for the purpose of sharing in the cost of replacement of the Bridge of the Americas which crosses the Rio Grande between El Paso, Texas, and Cd. Juarez, Chihuahua. Notwithstanding any other provision of law, such payments of money shall be credited to any appropriation to the Commission which is currently available. Funds received under this subsection shall be available only for the replacement of such bridge.

“(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.”

(b) **EXPENDITURES FOR WATER POLLUTION PROBLEMS.**—Title I of the Act of June 20, 1956 (70 Stat. 302, 22 U.S.C. 277d–12), is amended in the fourth undesignated paragraph under the heading “INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES

<sup>56</sup>22 U.S.C. 287b note.

AND MEXICO” by striking “Tijuana Rivers,” and all that follows before the period and inserting “Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions, consistent with the emergency provisions of the Safe Drinking Water Act, to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary”.

(c) FALCON AND AMISTAD DAMS MAINTENANCE FUND.—Section 2 of the Act of June 18, 1954 (68 Stat. 255, as amended by the Act of December 23, 1963, 77 Stat. 475) is amended to read as follows:

“SEC. 2. (a) A separate fund, known as the ‘Falcon and Amistad Operating and Maintenance Fund’ (hereinafter referred to as the ‘Maintenance Fund’), shall be created in the Treasury of the United States. The Maintenance Fund shall be administered by the Administrator of the Western Area Power Administration for use by the Commissioner of the United States Section of the International Boundary and Water Commission to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams.

“(b) All revenues collected in connection with the disposition of electric power generated at the Falcon and Amistad Dams, except those revenues paid pursuant to subsection (d) to the general fund of the Treasury of the United States, shall be credited to the Maintenance Fund and shall remain available until expended for defraying operation, maintenance, and emergency costs for the hydroelectric facilities at the dams.

“(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.

“(d) Revenues in the Maintenance Fund in excess of operation, maintenance, and emergency needs shall be paid annually to the general fund of the Treasury of the United States to return the costs of replacements and the original investments, with interest.

“(e) All moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with Article 19 of the said Treaty shall be credited to the general fund of the Treasury of the United States.”.

**SEC. 424. UNITED STATES MEMBERSHIP IN THE ASIAN-PACIFIC ECONOMIC COOPERATION ORGANIZATION.**

(a) UNITED STATES MEMBERSHIP.—The President is authorized to maintain membership of the United States in the Asian-Pacific Economic Cooperation (APEC).

(b) PAYMENT OF ASSESSED CONTRIBUTIONS.—For fiscal year 1994 and for each fiscal year thereafter, the United States assessed contributions to APEC may be paid from funds appropriated for “Contributions to International Organizations”.

**SEC. 425. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL COPPER STUDY GROUP.**

(a) UNITED STATES MEMBERSHIP.—The President is authorized to accept the Terms of Reference of and maintain membership of the United States in the International Copper Study Group (ICSG).

(b) **PAYMENTS OF ASSESSED CONTRIBUTIONS.**—For fiscal year 1995 and thereafter the United States assessed contributions to the ICSG may be paid from funds appropriated for “Contributions to International Organizations”.

**SEC. 426. EXTENSION OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES.**

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

“SEC. 14.<sup>57</sup> The International Union for Conservation of Nature and Natural Resources shall be considered to be an international organization for the purposes of this title and may be extended the provisions of this title in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.”

**SEC. 427. INTER-AMERICAN ORGANIZATIONS.**

Taking into consideration the long-term commitment by the United States to the affairs of this Hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State, in allocating the level of resources for international organizations, should pay particular attention to funding levels of the Inter-American organizations.

**SEC. 428. PROHIBITION ON CONTRIBUTIONS TO THE INTERNATIONAL COFFEE ORGANIZATION.**

None of the funds authorized to be appropriated by this Act may be used to fund any United States contribution to the International Coffee Organization.

**SEC. 429. PROHIBITION ON CONTRIBUTIONS TO THE INTERNATIONAL JUTE ORGANIZATION.**

None of the funds authorized to be appropriated by this Act may be used to fund any United States contribution to the International Jute Organization.

**SEC. 430. MIGRATION AND REFUGEE AMENDMENTS.**

(a) **MIGRATION AND REFUGEE ASSISTANCE ACT AMENDMENTS.**—The Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(1) in section 2 by striking “the Intergovernmental Committee for European Migration” and inserting “the International Organization for Migration” each place it appears;

(2) in section 2(a) by striking “the Committee” and inserting “the Organization” each place it appears;

(3) in the first sentence of section 2(a) by inserting before the period “, as amended in Geneva, Switzerland, on May 20, 1987”; and

(4) in section 2(c)(2), by striking “\$50,000,000” and inserting “\$100,000,000”.

<sup>57</sup> 22 U.S.C. 288f-4. See page 1555.”

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(b) PUBLIC LAW 100–204.—Section 745 of Public Law 100–204 (22 U.S.C. 2601 note) is repealed.

**SEC. 431. WITHHOLDING OF UNITED STATES CONTRIBUTIONS FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.**

(a) WITHHOLDING OF UNITED STATES CONTRIBUTIONS FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.—Section 307 of the Foreign Assistance Act of 1961<sup>58</sup> is amended—

(1) in subsection (a) by striking “the South-West Africa People’s Organization” and inserting “Burma, Iraq, North Korea, Syria”; and

(2) by inserting after subsection (b) the following:

“(c) The limitations of subsection (a) shall not apply to contributions to the International Atomic Energy Agency or the United Nations Children’s Fund (UNICEF).”.

(b) UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) Except as provided in paragraphs (2) and (3), for fiscal years 1994 and 1995 none of the funds made available for United Nations Development Program or United Nations Development Program—Administered Funds shall be available for programs and activities in or for Burma.

(2) Of the funds made available for United Nations Development Program and United Nations Development Program—Administered Funds for fiscal year 1994, \$11,000,000 may be available only if the President certifies to the Congress that the United Nations Development Program’s programs and activities in or for Burma promote the enjoyment of internationally guaranteed human rights in Burma and do not benefit the State Law and Order Restoration Council (SLORC) military regime.

(3) Of the funds made available for United Nations Development Program and United Nations Development Program—Administered Funds for fiscal year 1995, \$27,600,000 may be available only if the President certifies to the Congress that—

(A) the United Nations Development Program has approved or initiated no new programs and no new funding for existing programs in or for Burma since the United Nations Development Program Governing Council (Executive Board) meeting of June 1993,

(B) such programs address unforeseen urgent humanitarian concerns, or

(C) a democratically elected government in Burma has agreed to such programs.

<sup>58</sup> 22 U.S.C. 2227. For the Foreign Assistance Act of 1961, as amended through 1993, see *Legislation on Foreign Relations Through 1993*, vol. I–a.

## TITLE V—FOREIGN POLICY

## PART A—GENERAL PROVISIONS

**SEC. 501.<sup>59</sup> UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS.**

(a) **STANDARDS FOR REFUGEE WOMEN AND CHILDREN.**—The United States Government, in providing for overseas assistance and protection of refugees and displaced persons, shall seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the world’s refugee population. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) “Guidelines on the Protection of Refugee Women”, whether directly, or through international organizations and nongovernmental voluntary organizations, the Secretary of State shall seek to ensure—

(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

(2) implementation of gender awareness training for field staff including, but not limited to, security personnel;

(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;

(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) the repatriation process;

(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;

(6) the provision of safe and secure access to sanitation facilities, with a special emphasis on women and children;

(7) the availability of counseling and other services, grievance processes, and protective services to victims of violence and abuse, including but not limited to rape and domestic violence;

(8) the provision of educational programs, particularly literacy and numeracy, vocational and income-generation skills training, and other training efforts promoting self-sufficiency for refugee women, with special emphasis on women heads of household;

(9) education for all refugee children, ensuring equal access for girls, and special services and family tracing for unaccompanied refugee minors;

(10) the collection of data that clearly enumerate age and gender so that appropriate health, education, and assistance programs can be planned;

(11) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and

(12) gender-awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR)

<sup>59</sup> 22 U.S.C. 2601 note.

and nongovernmental voluntary organizations on implementation of the 1991 UNHCR “Guidelines on the Protection of Refugee Women”.

(b) PROCEDURES.—The Secretary of State should adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

(c) REQUIREMENTS FOR REFUGEE AND MIGRATION ASSISTANCE.—The Secretary of State, in providing migration and refugee assistance, should support the protection efforts set forth under this section by raising at the highest levels of government the issue of abuses against refugee women and children by governments or insurgent groups that engage in, permit, or condone—

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person;

(2) the blockage of humanitarian relief assistance;

(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children; or

(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

(d) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.

(e) MULTILATERAL IMPLEMENTATION OF THE 1991 UNHCR “GUIDELINES ON THE PROTECTION OF REFUGEE WOMEN”.—The Secretary of State should work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs and work to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the 1991 UNHCR’s “Guidelines on the Protection of Refugee Women”.

#### SEC. 502. INTERPARLIAMENTARY EXCHANGES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 2 of Public Law 86–420<sup>60</sup> is amended—

(A) by striking “\$100,000” and inserting “\$80,000”; and

(B) by striking “\$50,000” both places it appears and inserting “\$40,000”.

(2) Section 2 of Public Law 86–42<sup>61</sup> is amended—

(A) by striking “\$50,000” and inserting “\$70,000”; and

(B) by striking “\$25,000” both places it appears and inserting “\$35,000”.

<sup>60</sup> 22 U.S.C. 276i. For text, see *Legislation on Foreign Relations Through 1993*, vol. IV.

<sup>61</sup> 22 U.S.C. 276e. For text, see *Legislation on Foreign Relations Through 1993*, vol. IV.

(b)<sup>62</sup> DEPOSIT OF FUNDS IN INTEREST-BEARING ACCOUNTS.—Funds appropriated and disbursed pursuant to section 303 of Title III of Public Law 100–202 (101 Stat. 1329–23; 22 U.S.C. 276 note) are authorized to be deposited in interest-bearing accounts and any interest which accrues shall be deposited, periodically, in a miscellaneous account of the Treasury.

**SEC. 503. FOOD AS A HUMAN RIGHT.**

(a) THE RIGHT TO FOOD AND UNITED STATES FOREIGN POLICY.—

(1) IN GENERAL.—The United States should, in accordance with its international obligations and in keeping with the long-standing humanitarian tradition of the United States, promote increased respect internationally for the rights to food and to medical care, including the protection of these rights with respect to civilians and noncombatants during times of armed conflict (such as through ensuring safe passage of relief supplies and access to impartial humanitarian relief organizations providing relief assistance).

(2) RESPONSIBILITIES OF ASSISTANT SECRETARY OF STATE.—The responsibilities of the Assistant Secretary of State who is responsible for human rights and humanitarian affairs shall include promoting increased respect internationally for the rights to food and to medical care in accordance with paragraph (1).

(b) INTERNATIONAL EFFORT TO STRENGTHEN THE RIGHT TO FOOD.—It is the sense of the Congress that a major effort should be made to strengthen the right to food in international law to assure the access of all persons to adequate food supplies.

**SEC. 504. TRANSPARENCY IN ARMAMENTS.**

It is the sense of the Congress that—

(1) no sale of any defense article or defense service should be made, no license should be issued for the export of any defense article or defense service, and no agreement to transfer in any way any defense article or defense service should be made to any nation that does not fully furnish all pertinent data to the United Nations Register of Conventional Arms pursuant to United Nations General Assembly Resolution 46/36L by the reporting date specified by such register;

(2) if a nation has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information at the next reporting date, an agreement may be negotiated with the nation or a license may be issued, but the actual delivery of such defense article or service should not occur until that nation submits such information; and

(3) the President should seek to restart the United Nations Security Council “Perm-5” talks and should report to the Congress on the progress of such talks and the effects of United States agreements since October 1991 to sell arms to the developing world.

<sup>62</sup> 22 U.S.C. 276 note.

**Sec. 505 Foreign Relations Authorization Act, Fiscal Years... 54****SEC. 505. SENSE OF THE SENATE CONCERNING INSPECTOR GENERAL ACT.**

It is the sense of the Senate that—

(1) there is a growing concern among some of the Members of this body that the unlimited terms of Office of Inspectors General in Federal agencies may be undesirable, therefore

(2) the issue of amending the Inspector General Act to establish term limits for Inspectors General should be examined and considered as soon as possible by the appropriate committees of jurisdiction.

**SEC. 506. TORTURE CONVENTION IMPLEMENTATION.**

(a)<sup>63</sup> **IN GENERAL.**—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter: \* \* \*

(c)<sup>64</sup> **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the later of—

- (1) the date of enactment of this Act; or
- (2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**SEC. 507. UNITED STATES POLICY CONCERNING IRAQ.**

(a) **POLICY.**—It is the sense of the Congress that the President should—

(1) take steps to encourage the United Nations Security Council—

(A) to reaffirm support for the protection of all Iraqi Kurdish and other minorities pursuant to Security Council Resolution 688;<sup>65</sup>

(B) to maintain the United Nations embargo on the Iraqi regime until Iraq complies with all relevant Security Council resolutions;

(C) to consider lifting selectively the United Nations embargo on the areas under the administration of the democratically-elected leadership of Iraqi Kurdistan, subject to the verifiable conditions that—

(i) the inhabitants of such areas do not conduct trade with the Iraqi regime, and

(ii) the partial lifting of the embargo will not materially assist the Iraqi regime;

(D) to consider extending international protection, including the establishment of a safe haven, to the marsh Arabs in southern Iraq; and

(E) to pursue international judgments against Iraqi officials responsible for war crimes and crimes against humanity, based upon documentary evidence obtained from Iraqi and other sources;

(2) continue to advocate the maintenance of Iraq's territorial integrity and the transition to a unified, democratic Iraq;

<sup>63</sup> For text, see page 712.

<sup>64</sup> 18 U.S.C. 2340 note.

<sup>65</sup> For text, see *Legislation on Foreign Relations Through 1993*, vol. V.

(3) take steps to encourage the provision of humanitarian assistance for the people fleeing from the marshes in southern Iraq;

(4) design a multilateral assistance program for the people of Iraqi Kurdistan to support their drive for self-sufficiency; and

(5) take steps to intensify discussions with the Government of Turkey, whose support and cooperation in the protection of the people of Iraqi Kurdistan is critical, to ensure that the stability of both Turkey and the entire region are enhanced by the measures taken under this section.

**SEC. 508. HIGH-LEVEL VISITS TO TAIWAN.**

It is the sense of the Congress that—

(1) the President should be commended for meeting with Taiwan's Minister of Economic Affairs during the Asia-Pacific Economic Cooperation Conference in Seattle;

(2) the President should send Cabinet-level appointees to Taiwan to promote United States interests and to ensure the continued success of United States business in Taiwan; and

(3) in addition to Cabinet-level visits, the President should take steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations of which the United States is a member.

**SEC. 509. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.**

(a) **AUTHORITY.**—(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),<sup>66</sup> the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) **CONCESSIONS.**—The value of the concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) **ADVANCE NOTIFICATION OF TRANSFER.**—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

<sup>66</sup>For text, see *Legislation on Foreign Relations Through 1993*, vol. I–A, page 195.

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(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

**SEC. 510. EXTENSION OF THE FAIR TRADE IN AUTO PARTS ACT OF 1988.**

(a) IN GENERAL.—Section 2125 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4704) is amended by striking “1993” and inserting “1998”.

(b)<sup>67</sup> EFFECTIVE DATE.—The amendment made by this section shall take effect on December 30, 1993.

**SEC. 511. REPORT ON THE USE OF FOREIGN FROZEN OR BLOCKED ASSETS.**

Not later than 60 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing a detailed accounting analysis and justification for all expenditures made from the assets of foreign governments that have been frozen or blocked by the United States Government, including expenditures from frozen or blocked assets of Haiti, Iraq, and Iran.

**SEC. 512. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.**

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “1993 and 1994” and inserting “1993, 1994, 1995, and 1996”; and

(B) in subsection (e), by striking out “October 1, 1994” each place it appears and inserting in lieu thereof “October 1, 1996”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out “September 30, 1994” and inserting in lieu thereof “September 30, 1996”.

**SEC. 513. POLICY REGARDING THE CONDITIONS WHICH THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA SHOULD MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST-FAVORED-NATION TREATMENT.**

(a) FINDINGS.—The Senate makes the following findings:

(1) In an Executive Order of May 28, 1993, the President established conditions for renewal of most-favored-nation (MFN) status for the People’s Republic of China in 1994.<sup>68</sup>

(2) The Executive Order requires that in making a recommendation about the further extension of MFN status to China, the Secretary of State shall not recommend extension unless the Secretary determines that—

(A) extension will substantially promote the freedom of emigration objectives of section 402 of the Trade Act of 1974; and

<sup>67</sup> 15 U.S.C. 4704 note.

<sup>68</sup> Executive Order 12850 (58 F.R. 31327). For text, see *Legislation on Foreign Relations Through 1993*, vol. III.

(B) China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(3) The Executive Order further requires that in making a recommendation, the Secretary of State shall determine whether China has made overall, significant progress with respect to—

(A) taking steps to begin adhering to the Universal Declaration of Human Rights;

(B) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of their political and religious beliefs, including such expression of religious beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(C) ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

(D) protecting Tibet's distinctive religious and cultural heritage; and

(E) permitting international radio and television broadcasts into China.

(4) The Executive Order further requires the Executive Branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with United States businesses, and adheres to the Nuclear Nonproliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(5) The Chinese government should cooperate with international efforts to obtain North Korea's full, unconditional compliance with the Nuclear Non-Proliferation Treaty.

(6) The President has initiated an intensive high-level dialogue with the Chinese government which began last year with a meeting between the Secretary of State and the Chinese Foreign Minister, including a meeting in Seattle between the President and the President of China, meetings in Beijing with the Secretary of the Treasury, the Assistant Secretary for Human Rights and others, a recent meeting in Paris between the Secretary of State and the Chinese Foreign Minister, and recent meetings in Washington with several Under Secretaries and their Chinese counterparts.

(7) The President's efforts have led to some recent progress on some issues of concern to the United States.

(8) Notwithstanding this, substantially more progress is needed to meet the standards in the President's Executive Order.

(9) The Chinese government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress critics and failed to control abuses by its own security forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President of the United States should use all appropriate opportunities, in particular more high-level exchanges with the Chinese

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government, to press for further concrete progress toward meeting the standards for continuation of MFN status as contained in the Executive Order.

**SEC. 514.<sup>69</sup> IMPLEMENTATION OF PARTNERSHIP FOR PEACE.**

[(a) Repealed.]

(b) **AUTHORITY OF THE PRESIDENT.**—The President is authorized to confer, pursuant to agreement with any country eligible to participate in the Partnership for Peace, rights in respect of the military and related civilian personnel (including dependents of any such personnel) and activities of that country in the United States comparable to the rights conferred by that country in respect of the military and related civilian personnel (including dependents of any such personnel) and activities of the United States in that country.

**SEC. 515. POLICY TOWARD THAILAND, CAMBODIA, LAOS, AND BURMA.**

It is the sense of the Congress that—

(1) the creation of a new Cambodian government through United Nations sponsored elections offers a unique opportunity for the revival of the Cambodian nation, an opportunity which the United States should help realize;

(2) the President should enunciate a clear policy toward Burma and, in so doing, be guided by the approach in Senate Resolution 112;<sup>70</sup>

(3) the government and people of Thailand are to be commended for Thailand's return to civilian, democratic rule, and for its contribution to the implementation of the Paris Peace Accords on Cambodia;

(4) the President of the United States should convey to Thailand United States concern over the continued support for

<sup>69</sup> 22 U.S.C. 1928 note.

<sup>70</sup> Senate Resolution 112, agreed to in the Senate May 27, 1993, provided the following:

**“RESOLUTION**

“Urging sanctions to be imposed against the Burmese government, and for other purposes.

“Whereas the military junta in Burma known as the State Law and Order Restoration Council (in this preamble referred to as the “SLORC”) brutally suppressed peaceful democratic demonstrations in September 1988;

“Whereas the Senate of the United States has repeatedly condemned and continues its condemnation of the SLORC;

“Whereas the SLORC does not represent the people of Burma, since the people of Burma gave the National League for Democracy a clear victory in the election of May 27, 1990;

“Whereas the SLORC has held Daw Aung San Suu Kyi, a leader of the National League for Democracy and the winner of the Nobel Peace Prize for 1991, under house arrest since July 1989;

“Whereas the United Nations Human Rights Commission unanimously adopted on March 5, 1993, a resolution deploring the human rights situation in Burma and the continued arrest of Daw Aung San Suu Kyi; and

“Whereas on March 12, 1992, the Committee on Foreign Relations of the Senate unanimously stated that (1) the SLORC does not represent the Burmese people and should transfer power to the winners of the 1990 elections, (2) United States military attaché should be withdrawn from Burma, and (3) the United States should oppose United Nations Development Program funding for Burma: *Now, therefore, be it*

“Resolved, That it is the sense of the Senate that the President, the Secretary of State, and other United States Government representatives should—

“(1) seek the immediate release of Daw Aung San Suu Kyi from arrest and the transfer of power to the winners of the 1990 elections in Burma; and

“(2) encourage the adoption by the United Nations Security Council of an arms embargo and other sanctions against the regime of the State Law and Order Restoration Council in Burma.

“SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.”

the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords;

(5) the Government of Thailand should continue to allow the democratic leaders of Burma to operate freely within Thailand and to grant them free passage to allow them to present their case at the United Nations and other international gatherings;

(6) the President of the United States should urge the Government of Thailand to prosecute, with the full force of law, those responsible for the trafficking, forced labor, and physical and sexual abuse of women and children in Thailand, and to protect the civil and human rights of Burmese women in Thailand and prevent their further victimization; and

(7) the United States should work with the United Nations High Commissioner for Refugees, the Government of Thailand, and other relevant parties to ensure that the rights of asylum seekers in Thailand, and in particular the Hmong people from Laos, are fully respected and that force is not used in any repatriations.

**SEC. 516. PEACE PROCESS IN NORTHERN IRELAND.**

It is the sense of the Congress that the United States should—

(1) strongly encourage all parties to the conflict in the North of Ireland to renounce violence and to participate in the current search for peace in the region; and

(2) assist in furthering the peace process where appropriate.

**SEC. 517. SENSE OF THE SENATE ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT.**

(a) **SENATE FINDINGS.**—The Senate makes the following findings:

(1) The freedom and security of the international community rests on the sanctity of the rule of law.

(2) The international community is increasingly threatened by unlawful acts such as war crimes, genocide, aggression, crimes against humanity, terrorism, drug trafficking, money laundering, and other crimes of an international character.

(3) The prosecution of individuals suspected of carrying out such acts is often impeded by political and legal obstacles such as amnesties, disputes over extradition, differences in the structure and capabilities of national courts, and the lack of uniform guidelines under which to try such individuals.

(4) The war crimes trials held in the aftermath of World War II at Nuremberg, Germany, and Tokyo, Japan, demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum.

(5) Since its inception in 1945 the United Nations has sought to build on the precedent established at the Nuremberg and Tokyo trials by establishing a permanent international criminal court with jurisdiction over crimes of an international character.

(6) United Nations General Assembly Resolution 44/39, adopted on December 4, 1989, called on the International Law

Commission to study the feasibility of an international criminal court.

(7) In the years after passage of that resolution the International Law Commission has taken a number of steps to advance the debate over such a court, including—

(A) the provisional adoption of a draft Code of Crimes Against the Peace and Security of Mankind;

(B) the creation of a Working Group on an International Criminal Jurisdiction and the formulation by that Working Group of several concrete proposals for the establishment and operation of an international criminal court; and

(C) the determination that an international criminal court along the lines of that suggested by the Working Group is feasible and that the logical next step would be to proceed with the formal drafting of a statute for such a court.

(8) United Nations General Assembly Resolution 47/33, adopted on November 25, 1992, called on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session.

(9) Given the developments of recent years, the time is propitious for the United States to lend its support to this effort.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;

(2) such a court would thereby serve the interests of the United States and the world community; and

(3) the United States delegation should make every effort to advance this proposal at the United Nations.

(c) REQUIRED REPORT.—Not later than 14 days after the date of enactment of this Act the President shall submit to the Committee on Foreign Relations of the Senate a detailed report on developments relating to, and United States efforts in support of, the establishment of an international criminal court with jurisdiction over crimes of an international character.

**SEC. 518. INTERNATIONAL CRIMINAL COURT PARTICIPATION.**

The United States Senate will not consent to the ratification of a treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature which permits representatives of any terrorist organization, including but not limited to the Palestine Liberation Organization, or citizens, nationals or residents of any country listed by the Secretary of State under section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism, to sit in judgement<sup>71</sup> on American citizens.

<sup>71</sup> As enrolled. Should read “judgment”.

**SEC. 519. PROTECTION OF FIRST AND FOURTH AMENDMENT RIGHTS.**

The United States Senate will not consent to the ratification of any Treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international character unless American citizens are guaranteed, in the terms establishing such a court, and in the court's operation, that the court will take no action infringing upon or diminishing their rights under the First and Fourth Amendments of the Constitution of the United States, as interpreted by the United States.

**SEC. 520. POLICY ON TERMINATION OF UNITED STATES ARMS EMBARGO.**

(a) FINDINGS.—The Congress makes the following findings:

(1) On July 10, 1991, the United States adopted a policy suspending all licenses and other approvals to export or otherwise transfer defense articles and defense services to Yugoslavia.

(2) On September 25, 1991, the United Nations Security Council adopted Resolution 713, which imposed a mandatory international embargo on all deliveries of weapons and military equipment to Yugoslavia.

(3) The United States considered the policy adopted July 10, 1991, to comply fully with Resolution 713 and therefore took no additional action in response to that resolution.

(4) On January 8, 1992, the United Nations Security Council adopted Resolution 727, which decided that the mandatory arms embargo imposed by Resolution 713 should apply to any independent states that might thereafter emerge on the territory of Yugoslavia.

(5) On February 29 and March 1, 1992, the people of Bosnia and Herzegovina voted in a referendum to declare independence from Yugoslavia.

(6) On April 7, 1992, the United States recognized the Government of Bosnia and Herzegovina.

(7) On May 22, 1992, the Government of Bosnia and Herzegovina was admitted to full membership in the United Nations.

(8) Consistent with Resolution 727, the United States has continued to apply the policy adopted July 10, 1991, to independent states that have emerged on the territory of the former Yugoslavia, including Bosnia and Herzegovina.

(9) Subsequent to the adoption of Resolution 727 and Bosnia and Herzegovina's independence referendum, the siege of Sarajevo began and fighting spread to other areas of Bosnia and Herzegovina.

(10) The Government of Serbia intervened directly in the fighting by providing significant military, financial, and political support and direction to Serbian-allied irregular forces in Bosnia and Herzegovina.

(11) In statements dated May 1 and May 12, 1992, the Conference on Security and Cooperation in Europe declared that the Government of Serbia and the Serbian-controlled Yugoslav National Army were committing aggression against the Government of Bosnia and Herzegovina and assigned to

them prime responsibility for the escalation of bloodshed and destruction.

(12) On May 30, 1992, the United Nations Security Council adopted Resolution 757, which condemned the Government of Serbia for its continued failure to respect the territorial integrity of Bosnia and Herzegovina.

(13) Serbian-allied irregular forces have occupied approximately 70 percent of the territory of Bosnia and Herzegovina, committed gross violations of human rights in the areas they have occupied, and established a secessionist government committed to eventual unification with Serbia.

(14) The military and other support and direction provided to Serbian-allied irregular forces in Bosnia and Herzegovina constitutes an armed attack on the Government of Bosnia and Herzegovina by the Government of Serbia within the meaning of Article 51 of the United Nations Charter.

(15) Under Article 51, the Government of Bosnia and Herzegovina, as a member of the United Nations, has an inherent right of individual or collective self-defense against the armed attack from the Government of Serbia until the United Nations Security Council has taken measures necessary to maintain international peace and security.

(16) The measures taken by the United Nations Security Council in response to the armed attack on Bosnia and Herzegovina have not been adequate to maintain international peace and security.

(17) Bosnia and Herzegovina have been unable successfully to resist the armed attack from Serbia because it lacks the means to counter heavy weaponry that Serbia obtained from the Yugoslav National Army upon the dissolution of Yugoslavia, and because the mandatory international arms embargo has prevented Bosnia and Herzegovina from obtaining from other countries the means to counter such heavy weaponry.

(18) On December 18, 1992, with the affirmative vote of the United States, the United Nations General Assembly adopted Resolution 47/121, which urged the United Nations Security Council to exempt Bosnia and Herzegovina from the mandatory arms embargo imposed by Resolution 713.

(19) In the absence of adequate measures to maintain international peace and security, continued application to the Government of Bosnia and Herzegovina of the mandatory international arms embargo imposed by the United Nations Security Council prior to the armed attack on Bosnia and Herzegovina undermines that government's right of individual or collective self-defense and therefore contravenes Article 51 of the United Nations Charter.

(20) Bosnia and Herzegovina's right of self-defense under Article 51 of the United Nations Charter includes the right to ask for military assistance from other countries and to receive such assistance if offered.

(b) POLICY ON TERMINATION OF ARMS EMBARGO.—(1) It is the sense of the Congress that the President should terminate the United States arms embargo of the Government of Bosnia and

Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(2) As used in this subsection, the term “United States arms embargo of the Government of Bosnia and Herzegovina” means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading “Suspension of Munitions Export Licenses to Yugoslavia”; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(c) **POLICY ON MILITARY ASSISTANCE.**—The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

**SEC. 521. SENSE OF SENATE ON RELATIONS WITH VIETNAM.**

It is the sense of the Senate that—

(1) the Government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) substantial and tangible progress has been made in the POW/MIA accounting process;

(4) cooperative efforts between the United States and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) United States senior military commanders and United States personnel working in the field to account for United States POWMIAs in Vietnam believe that lifting the United States trade embargo against Vietnam will facilitate and accelerate the accounting efforts;

(6) therefore, in order to maintain and expand further United States and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the United States trade embargo against Vietnam expeditiously; and

(7) moreover,<sup>72</sup> as the United States and Vietnam move toward normalization of relations, the Government of Vietnam should demonstrate further improvements in meeting internationally recognized standards of human rights.

**SEC. 522. REPORT ON SANCTIONS ON VIETNAM.**

Not later than 30 days after the date of enactment of this Act, the President shall submit a report, taking into account information available to the United States Government, to the Senate and

<sup>72</sup> As enrolled. Should read “moreover”.

the House of Representatives on achieving the fullest possible accounting of United States personnel unaccounted for from the Vietnam War, including—

- (1) progress on recovering and repatriating American remains from Vietnam;
- (2) progress on resolution of discrepancy cases;
- (3) the status of Vietnamese cooperation in implementing trilateral investigations with Laos; and
- (4) progress on accelerated efforts to obtain all POW/MIA related documents from Vietnam.

**SEC. 523. REPORT ON PEOPLE'S MUJAHEDDIN OF IRAN.**

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing the structure, current activities, external support, and history of the People's Mujaheddin of Iran. Such report shall include information on any current direct or indirect support by the People's Mujaheddin for acts of international terrorism.

(b) **CONSULTATION.**—In compiling the report required under subsection (a), the President shall consult with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Transportation, the intelligence community, and such law enforcement agencies as may be appropriate.

(c) **CLASSIFICATION.**—The President should, to the maximum extent possible, submit the report required under subsection (a) in an unclassified form.

**SEC. 524.<sup>73</sup> AMENDMENTS TO THE PLO COMMITMENTS COMPLIANCE ACT. \* \* \***

**SEC. 525. FREE TRADE IN IDEAS.**

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that the President should not restrict travel or exchanges for informational, educational, religious, cultural, or humanitarian purposes or for public performances or exhibitions, between the United States and any other country.

(b) **AMENDMENTS TO TRADING WITH THE ENEMY ACT.**—(1) Section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)) is amended to read as follows:<sup>74</sup>

“(4) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979, or under section

<sup>73</sup> For text, see page 276.

<sup>74</sup> For text, see *Legislation on Foreign Relations Through 1993*, vol. III.

6 of that Act to the extent that such controls promote the non-proliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code.”

(2)<sup>75</sup> The authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act, do not include the authority to regulate or prohibit, directly or indirectly, any activity which, under section 5(b)(4) of the Trading With the Enemy Act, as amended by paragraph (1) of this subsection, may not be regulated or prohibited.

(c) AMENDMENTS TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) is amended by striking paragraph (3) and inserting the following new paragraphs:<sup>76</sup>

“(3) the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code; or

“(4) any transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.”

(2)<sup>77</sup> The amendments made by paragraph (1) to section 203(b)(3) of the International Emergency Economic Powers Act apply to actions taken by the President under section 203 of such Act before the date of enactment of this Act which are in effect on such date and to actions taken under such section on or after such date.

(3)<sup>77</sup> Section 203(b)(4) of the International Emergency Economic Powers Act (as added by paragraph (1)) shall not apply to restrictions on the transactions and activities described in section 203(b)(4) in force on the date of enactment of this Act, with respect to countries embargoed under the International Emergency Economic Powers Act on the date of enactment of this Act.

<sup>75</sup> 50 U.S.C. 4305 note.

<sup>76</sup> For text, see *Legislation on Foreign Relations Through 1993*, vol. III.

<sup>77</sup> 50 U.S.C. 1702 note.

**SEC. 526. EMBARGO AGAINST CUBA.**

It is the sense of the Congress that the President should advocate and seek a mandatory international United Nations Security Council embargo against the dictatorship of Cuba.

**SEC. 527.<sup>78</sup> EXPROPRIATION OF UNITED STATES PROPERTY.**

(a) PROHIBITION.—None of the funds made available to carry out this Act, the Foreign Assistance Act of 1961, or the Arms Export Control Act may be provided to a government or any agency or instrumentality thereof, if the government of such country (other than a country described if subsection (d))—

(1) has on or after January 1, 1956—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within the period specified in subsection (c), either—

(A) returned the property,

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, as required by international law,

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law, or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes or other mutually agreeable binding international arbitration procedure.

(b) OTHER ACTIONS.—The President shall instruct the United States Executive Directors of each multilateral development bank and international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of any country to which assistance is prohibited under subsection (a), unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of that country.

(c) PERIOD FOR SETTLEMENT OF CLAIMS.—The period of time described in subsection (a)(2) is the latest of the following—

(1) 3 years after the date on which a claim was filed,

(2) in the case of a country that has a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), 3 years after the date of installation of a democratically elected government, or

(3) 90 days after the date of enactment of this Act.

(d) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate

<sup>78</sup>22 U.S.C. 2370a.

through the United Nations or to any territory recognized by the United States Government to be in dispute.

(e) RESUMPTION OF ASSISTANCE.—A prohibition or termination of assistance under subsection (a) and an instruction to vote against loans under subsection (b) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate that such government has taken one of the steps described in subsection (a)(2).

(f) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act and at the beginning of each fiscal year thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of every country in which the United States Government is aware that a United States person has an outstanding expropriation claim.

(2) The total number of such outstanding expropriation claims made by United States persons against each such country.

(3) The period of time in which each such claim has been outstanding.

(4) The status of each case and efforts made by the United States Government and the government of the country in which such claim has been made, to take one or more of the steps described in subsection (a)(2).

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (b).

(g) WAIVER.—The President may waive the prohibitions in subsections (a) and (b) for a country, on an annual basis, if the President determines and so notifies Congress that it is in the national interest to do so.

(h) DEFINITIONS.—For the purpose of this section, the term “United States person” means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—

(1) Any action of the types set forth in subparagraphs (A), (B), and (C) of subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, shall not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

(2) An action shall be deemed presented for purposes of paragraph (1) if it is—

(A) in writing; and

(B) received by the United States Department of State on or before 120 days after the date specified in paragraph (3) at—

(i) the headquarters of the United States Department of State in Washington, D.C.; or

(ii) the Embassy of the United States of America to Nicaragua.

(3) The date to which paragraph (2) refers is a date after enactment of this subsection that is specified by the Secretary of State, in the Secretary's discretion, in a notice published in the Federal Register.

**SEC. 528. REPORT ON RUSSIAN MILITARY OPERATIONS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) IN GENERAL.—Not later than 5 months after the date of enactment of this Act, the President shall submit to Congress a report on the operations and activities of the armed forces of the Russian Federation, including elements purportedly operating outside the chain of command of the armed forces of the Russian Federation, outside the borders of the Russian Federation and, specifically, in the other independent states that were a part of the former Soviet Union and in the Baltic States.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include, but not be limited to—

(1) an assessment of the numbers and types of Russian armed forces deployed in each of the other independent states of the former Soviet Union and in the Baltic States and a summary of their operations and activities since the demise of the Soviet Union in December 1991;

(2) a detailed assessment of the involvement of Russian armed forces in conflicts in or involving Armenia, Azerbaijan, Georgia, Moldova, and Tajikistan, including support provided directly or indirectly to one or more parties to these conflicts;

(3) an assessment of the political and military objectives of the operations and activities discussed in paragraphs (1) and (2) and of the strategic objectives of the Russian Federation in its relations with the other independent states of the former Soviet Union and the Baltic States;

(4) an assessment of other significant actions, including political and economic, taken by the Russian Federation to influence the other independent states of the former Soviet Union and the Baltic States in pursuit of its strategic objectives; and

(5) an analysis of the new Russian military doctrine adopted by President Yeltsin on November 2, 1993, with particular regard to its implications for Russian policy toward the other independent states of the former Soviet Union and the Baltic States.

(c) DEFINITIONS.—For the purposes of this section—

(1) “the other independent states of the former Soviet Union” means Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; and

(2) “the Baltic States” means Latvia, Lithuania, and Estonia.

**SEC. 529. UNITED STATES POLICY ON NORTH KOREA.**

It is the sense of the Congress that:

(1) It is in the United States national security interest to curtail the proliferation of weapons of mass destruction, particularly nuclear weapons.

(2) The North Korea nuclear weapons program is one of the most pressing national security challenges the United States currently faces.

(3) North Korea's development of other weapons of mass destruction and of ballistic missiles further threatens United States national security interests and regional security.

(4) United States policy should ensure that North Korea does not possess a nuclear bomb or the capability to build one.

(5) United States forces in Korea must remain vigilant and maintain a robust defense posture.

(6) While diplomacy is the preferable method of dealing with the North Korean nuclear challenge, all options, including the appropriate use of force, remain available.

(7) In fashioning an appropriate policy for dealing with the challenge presented by North Korea's nuclear program, the Administration should consult closely with United States treaty allies, particularly Japan and the Republic of Korea, as well as with China, Russia, and other members of the United Nations Security Council.

(8) United States policy should support the efforts of the International Atomic Energy Agency (IAEA), as the international community's designated body for verifying compliance with the Treaty on the Nonproliferation of Nuclear Weapons, to perform inspections of North Korea's nuclear program.

(9) The United States should encourage strong and expeditious action by the United Nations Security Council inasmuch as North Korea has proved unwilling to comply fully with the following:

(A) North Korea's December 1991 denuclearization agreement with South Korea pledging not to possess, manufacture, or use nuclear weapons, not to possess plutonium reprocessing facilities, and to negotiate the establishment of a nuclear inspection system.

(B) The nuclear safeguards agreement North Korea signed with the IAEA on January 30, 1992.

(C) The agreement on IAEA inspections North Korea accepted on February 15, 1994.

(10) Unless North Korea unequivocally adheres to the Treaty on the Nonproliferation of Nuclear Weapons and abides by all provisions of that treaty, the President should seek international consensus to isolate North Korea, including the imposition of sanctions, in an effort to persuade Pyongyang to halt its nuclear weapons program and permit IAEA inspections of all its nuclear facilities.

(11) Recognizing that within the international community China has significant influence over Pyongyang, the nature and extent of Chinese cooperation with the rest of the international community on the North Korean nuclear issue, including Chinese support for international sanctions should such sanctions be proposed and/or adopted, will inevitably be a significant factor in United States-China relations.

(12) If unable to achieve an international consensus to isolate North Korea, the President should employ all unilateral means of leverage over North Korea, including, but not limited

to, the prohibition of any transaction involving the commercial sale of any good or technology to North Korea.

(13) The President should consult with United States allies in the region regarding the military posture of North Korea and the ability of the United States and its allies to deter a North Korean attack, or to defeat such an attack should it occur.

(14) Toward these ends, the United States and South Korea should take all steps necessary to ensure that United States and South Korean forces stationed on the Korean peninsula can defend themselves, including the holding of Team Spirit or other joint military exercises, the deployment of Patriot missiles to South Korea, and other appropriate measures.

(15) The problem posed by North Korea's nuclear program is not a bilateral problem between the United States and North Korea, but a problem in which virtually the entire global community is united against North Korea.

(16) The international community must insist upon full compliance by North Korea with all its nonproliferation commitments including acceptance of regular and ad hoc inspections of its declared nuclear facilities on a continuing basis, as well as special inspections of all suspected nuclear sites as the IAEA deems appropriate.

(17) International concerns about North Korea's nuclear intentions and capabilities will not be adequately addressed until North Korea cooperates fully with the IAEA, all North Korea nuclear facilities and materials are placed under fullscope safeguards, and North Korea adheres unequivocally to the Treaty on the Nonproliferation of Nuclear Weapons as well as to its 1991 denuclearization agreement with South Korea.

(18) The Administration should work to encourage a productive dialogue between North and South Korea that adequately addresses all security concerns on the Korean peninsula.

**SEC. 530. <sup>79</sup> ENFORCEMENT OF NONPROLIFERATION TREATIES.**

(a) **POLICY.**—It is the sense of the Congress that the President should instruct the United States Permanent Representative to the United Nations to enhance the role of that institution in the enforcement of nonproliferation treaties through the passage of a United Nations Security Council resolution which would state that, any non-nuclear weapon state that is found by the United Nations Security Council, in consultation with the International Atomic Energy Agency (IAEA), to have terminated, abrogated, or materially violated an IAEA full-scope safeguards agreement would be subjected to international economic sanctions, the scope of which to be determined by the United Nations Security Council.

(b) **PROHIBITION.**—Notwithstanding any other provision of law, no United States assistance under the Foreign Assistance Act of 1961 shall be provided to any non-nuclear weapon state that is found by the President to have terminated, abrogated, or materially violated an IAEA full-scope safeguard agreement or materially

<sup>79</sup> 22 U.S.C. 2429a-2.

violated a bilateral United States nuclear cooperation agreement entered into after the date of enactment of the Nuclear Non-Proliferation Act of 1978.

(c) **WAIVER.**—The President may waive the application of subsection (b) if—

(1) the President determines that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security; and

(2) the President reports such determination to the Congress at least 15 days in advance of any resumption of assistance to that state.

**SEC. 531. TAIWAN.**

In view of the self-defense needs of Taiwan, the Congress makes the following declarations:

(1) Sections 2 and 3 of the Taiwan Relations Act are reaffirmed.<sup>80</sup>

(2) Section 3 of the Taiwan Relations Act take primacy over statements of United States policy, including communiques, regulations, directives, and policies based thereon.

(3) In assessing the extent to which the People's Republic of China is pursuing its "fundamental policy" to strive peacefully to resolve the Taiwan issue, the United States should take into account both the capabilities and intentions of the People's Republic of China.

(4) The President should on a regular basis assess changes in the capabilities and intentions of the People's Republic of China and consider whether it is appropriate to adjust arms sales to Taiwan accordingly.

**SEC. 532. WAIVER OF SANCTIONS WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA TO PROMOTE DEMOCRACY ABROAD.**

(a) **AUTHORITY.**—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Federal Republic of Yugoslavia those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties.

(b) **POLICY.**—The President, acting through the United States Permanent Representative to the United Nations, should propose that any action, past or future, by the Security Council pursuant to Article 41 of the United Nations Charter, with respect to the Federal Republic of Yugoslavia, should take account of the exemption described in subsection (a).

**SEC. 533.<sup>81</sup> FREEDOM OF INFORMATION EXEMPTION FOR CERTAIN OPEN SKIES TREATY DATA.**

(a) **IN GENERAL.**—Data with respect to a foreign country collected by sensors during observation flights conducted in connection with the Treaty on Open Skies, including flights conducted prior to entry into force of the treaty, shall be exempt from disclosure under the Freedom of Information Act—

<sup>80</sup> For text, see page 1428.

<sup>81</sup> 5 U.S.C. 552 note.

(1) if the country has not disclosed the data to the public; and

(2) if the country has not, acting through the Open Skies Consultative Commission or any other diplomatic channel, authorized the United States to disclose the data to the public.

(b) **STATUTORY CONSTRUCTION.**—This section constitutes a specific exemption within the meaning of section 552(b)(3) of title 5, United States Code.

(c) **DEFINITIONS.**—For the purposes of this section—

(1) the term “Freedom of Information Act” means the provisions of section 552 of title 5, United States Code;

(2) the term “Open Skies Consultative Commission” means the commission established pursuant to Article X of the Treaty on Open Skies; and

(3) the term “Treaty on Open Skies” means the Treaty on Open Skies, signed at Helsinki on March 24, 1992.

**SEC. 534. STUDY OF DEMOCRACY EFFECTIVENESS.**

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on a streamlined, cost-effective organization of United States democracy assistance. The report shall include a review of all activities funded by the United States Government, including those funded through the National Endowment for Democracy, the United States Information Agency, and the Agency for International Development.

(b) **CONTENT OF REPORT.**—The report shall include the following:

(1) A review of all United States-sponsored programs to promote democracy, including identification and discussion of those programs that are overlapping.

(2) A clear statement of achievable goals and objectives for all United States-sponsored democracy programs, and an evaluation of the manner in which current democracy activities meet these goals and objectives.

(3) A review of the current United States Government organization for the delivery of democracy assistance and recommended changes to reduce costs and streamline overhead involved in the delivery of democracy assistance.

(4) Recommendations for coordinating programs, policies, and priorities to enhance the United States Government’s role in democracy promotion.

(5) A review of all agencies involved in delivering United States Government funds in the form of democracy assistance and a recommended focal point or lead agency within the United States Government for policy oversight of the effort.

(6) A review of the feasibility and desirability of mandating non-United States Government funding, including matching funds and in-kind support, for democracy promotion programs. If it is determined that such non-Government funding is feasible and desirable, recommendations should be made regarding goals and procedures for implementation.

**SEC. 535. SENSE OF CONGRESS CONCERNING UNITED STATES CITIZENS VICTIMIZED BY GERMANY DURING WORLD WAR II.**

It is the sense of the Congress that United States citizens who were victims of war crimes and crimes against humanity committed by the Government of Germany during the period 1939 to 1945 should be compensated by the Government of Germany.

**SEC. 536.<sup>82</sup> REPORTING REQUIREMENTS ON OCCUPIED TIBET.**

(a) **REPORT ON UNITED STATES-TIBET RELATIONS.**—Because Congress has determined that Tibet is an occupied sovereign country under international law and that its true representatives are the Dalai Lama and the Tibetan Government in exile—

(1) it is the sense of the Congress that the United States should seek to establish a dialogue with those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, concerning the situation in Tibet and the future of the Tibetan people and to expand and strengthen United States-Tibet cultural and educational relations, including promoting bilateral exchanges arranged directly with the Tibetan Government in exile; and

(2) not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall transmit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, and on conditions in Tibet.

(b) **SEPARATE TIBET REPORTS.**—

(1) It is the sense of the Congress that whenever a report is transmitted to the Congress on a country-by-country basis there should be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

(2) The reports referred to in paragraph (1) include, but are not limited to, reports transmitted under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (relating to human rights).

**PART B—SPOILS OF WAR ACT****SEC. 551.<sup>83</sup> SHORT TITLE.**

This part may be cited as the “Spoils of War Act of 1994”.

**SEC. 552.<sup>84</sup> TRANSFERS OF SPOILS OF WAR.**

(a) **ELIGIBILITY FOR TRANSFER.**—Spoils of war in the possession, custody, or control of the United States may be transferred to any other party, including any government, group, or person, by sale, grant, loan or in any other manner, only to the extent and in the same manner that property of the same type, if otherwise owned by the United States, may be so transferred.

<sup>82</sup> 22 U.S.C. 2656 note.

<sup>83</sup> 50 U.S.C. 2201 note.

<sup>84</sup> 50 U.S.C. 2201.

(b) **TERMS AND CONDITIONS.**—Any transfer pursuant to subsection (a) shall be subject to all of the terms, conditions, and requirements applicable to the transfer of property of the same type otherwise owned by the United States.

**SEC. 553.<sup>85</sup> PROHIBITION ON TRANSFERS TO COUNTRIES WHICH SUPPORT TERRORISM.**

Spoils of war in the possession, custody, or control of the United States may not be transferred to any country determined by the Secretary of State, for purposes of section 40 of the Arms Export Control Act, to be a nation whose government has repeatedly provided support for acts of international terrorism.

**SEC. 554.<sup>86</sup> REPORT ON PREVIOUS TRANSFERS.**

Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report describing any spoils of war obtained subsequent to August 2, 1990 that were transferred to any party, including any government, group, or person, before the date of enactment of this Act. Such report shall be submitted in unclassified form to the extent possible.

**SEC. 555.<sup>87</sup> DEFINITIONS.**

As used in this part—

(1) the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives;

(2) the term “enemy” means any country, government, group, or person that has been engaged in hostilities, whether or not lawfully authorized, with the United States;

(3) the term “person” means—

(A) any natural person;

(B) any corporation, partnership, or other legal entity;

and

(C) any organization, association, or group; and

(4) the term “spoils of war” means enemy movable property lawfully captured, seized, confiscated, or found which has become United States property in accordance with the laws of war.

**SEC. 556.<sup>88</sup> CONSTRUCTION.**

Nothing in this part shall apply to—

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to the conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take immediate possession of certain property solely for use during an ongoing conflict;

<sup>85</sup> 50 U.S.C. 2202.

<sup>86</sup> 50 U.S.C. 2203.

<sup>87</sup> 50 U.S.C. 2204.

<sup>88</sup> 50 U.S.C. 2205.

- (2) the abandonment or return of any property obtained, borrowed, or requisitioned for temporary use during military operations without intent to retain possession of such property;
- (3) the destruction of spoils of war by troops in the field;
- (4) the return of spoils of war to previous owners from whom such property had been seized by enemy forces; or
- (5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

#### PART C—ANTI-ECONOMIC DISCRIMINATION ACT

##### SEC. 561.<sup>89</sup> SHORT TITLE.

This part may be cited as the “Anti-Economic Discrimination Act of 1994”.

##### SEC. 562. ISRAEL’S DIPLOMATIC STATUS.

It is the sense of the Congress that the Secretary of State should make the issue of Israel’s diplomatic status a priority and urge countries that receive United States assistance to immediately establish full diplomatic relations with the state of Israel.

##### SEC. 563. POLICY ON MIDDLE EAST ARMS SALES.

(a) BOYCOTT OF ISRAEL.—Section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138)<sup>90</sup> is amended—

- (1) in paragraph (2), by striking “and” at the end; and
- (2) in paragraph (3)—
  - (A) by striking “and” at the end of subparagraph (A);
  - (B) by striking the period at the end of subparagraph (B) and inserting “; and”; and
  - (C) by adding at the end the following new subparagraph:
 

“(C) does not participate in the Arab League primary or secondary boycott of Israel.”

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report concerning steps taken to ensure that the goals of section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993<sup>90</sup> are being met.

##### SEC. 564.<sup>91</sup> PROHIBITION ON CERTAIN SALES AND LEASES.

(a) PROHIBITION.—No defense article or defense service may be sold or leased by the United States Government to any country or international organization that, as a matter of policy or practice, is known to have sent letters to United States firms requesting compliance with, or soliciting information regarding compliance with, the Arab League secondary or tertiary boycott of Israel, unless the President determines, and so certifies to the appropriate congressional committees, that that country or organization does not cur-

<sup>89</sup> 22 U.S.C. 2679c note.

<sup>90</sup> For text, see page 222.

<sup>91</sup> 22 U.S.C. 2751 note.

rently maintain a policy or practice of making such requests or solicitations.

(b) WAIVER.—

(1) 1-YEAR WAIVER.—On or after the effective date of this section, the President may waive, for a period of 1 year, the application of subsection (a) with respect to any country or organization if the President determines, and reports to the appropriate congressional committees, that—

(A) such waiver is in the national interest of the United States, and such waiver will promote the objectives of this section to eliminate the Arab boycott; or

(B) such waiver is in the national security interest of the United States.

(2) EXTENSION OF WAIVER.—If the President determines that the further extension of a waiver will promote the objectives of this section, the President, upon notification of the appropriate congressional committees, may grant further extensions of such waiver for successive 12-month periods.

(3) TERMINATION OF WAIVER.—The President may, at any time, terminate any waiver granted under this subsection.

(c) DEFINITIONS.—As used in this section—

(1) the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the terms “defense article” and “defense service” have the meanings given to such terms by paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

**SEC. 565.<sup>92</sup> PROHIBITION ON DISCRIMINATORY CONTRACTS.**

(a) PROHIBITION.—

(1) Except for real estate leases and as provided in subsection (b), the Department of State may not enter into any contract that expends funds appropriated to the Department of State for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))—

(A) with a foreign person that complies with the Arab League boycott of Israel, or

(B) with any foreign or United States person that discriminates in the award of subcontracts on the basis of religion.

(2) For purposes of this section—

(A) a foreign person complies with the boycott of Israel by Arab League countries when that foreign person takes or knowingly agrees to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking, except that for purposes of this paragraph, the term “United States person” as used in subparagraphs (B) and

<sup>92</sup> 22 U.S.C. 2679c.

(C) of section 8(a)(1) of such Act shall be deemed to mean “person”; and

(B) the term “foreign person” means any person other than a United States person as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(3) For purposes of paragraph (1), a foreign person shall be deemed not to comply with the boycott of Israel by Arab League countries if that person, or the Secretary of State or his designee on the basis of available information, certifies that the person violates or otherwise does not comply with the boycott of Israel by Arab League countries by taking any actions prohibited by section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)). Certification by the Secretary of State or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(b) WAIVER BY SECRETARY OF STATE.—The Secretary of State may waive the requirements of this section on a country-by-country basis for a period not to exceed one year upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on diplomatic functions of the United States. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(c) RESPONSES TO CONTRACT SOLICITATIONS.—(1) Except as provided in paragraph (2) of this subsection, the Secretary of State shall ensure that any response to a solicitation for a bid or a request for a proposal, with respect to a contract covered by subsection (a), includes the following clause, in substantially the following form:

“ ARAB LEAGUE BOYCOTT OF ISRAEL

“(a) DEFINITIONS.—As used in this clause—

“(1) the term ‘foreign person’ means any person other than a United States person as defined in paragraph (2); and

“(2) the term ‘United States person’ means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

“(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

“(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

“(2) discriminating in the award of subcontracts on the basis of religion.”

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Secretary of State or a designee on the basis of available information. Certification by the Secretary of State or a designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(3) The Secretary of State shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)).

(d) REVIEW AND TERMINATION.—(1) The Department of State shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a violator.

(e) UNITED STATES INFORMATION AGENCY.—The provisions of this section shall apply to the United States Information Agency in the same manner and extent to which such provisions apply to the Department of State. In the application of this section to the United States Information Agency, the Director of the United States Information Agency or a designee shall have the authorities and responsibilities of the Secretary of State.

#### PART D—THE CAMBODIAN GENOCIDE JUSTICE ACT

##### SEC. 571.<sup>93</sup> SHORT TITLE.

This part may be cited as the “Cambodian Genocide Justice Act”.

##### SEC. 572.<sup>93</sup> POLICY.

(a) IN GENERAL.—Consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979.

(b) SPECIFIC ACTIONS URGED.—To that end, the Congress urges the President—

(1) to collect, or assist appropriate organizations and individuals to collect relevant data on crimes of genocide committed in Cambodia;

(2) in circumstances which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia; and

<sup>93</sup> 22 U.S.C. 2656 note.

(3) as necessary, to provide such national or international tribunal with information collected pursuant to paragraph (1).

**SEC. 573.<sup>93</sup> ESTABLISHMENT OF STATE DEPARTMENT OFFICE.**

(a) **ESTABLISHMENT.**—(1) None of the funds authorized to be appropriated by this Act for “Diplomatic and Consular Programs” shall be available for obligation or expenditure during fiscal years 1994 and 1995 unless, not later than 90 days after the date of enactment of this Act, the Secretary of State has established within the Department of State under the Assistant Secretary for East Asia and Pacific Affairs (or any successor Assistant Secretary) the Office of Cambodian Genocide Investigation (hereafter in this part referred to as the “Office”).

(2) The Office may carry out its activities inside or outside of Cambodia, except that not less than 75 percent of the funds made available for the Office and its activities shall be used to carry out activities within Cambodia.

(b) **PURPOSE.**—The purpose of the Office shall be to support, through organizations and individuals with whom the Secretary of State may contract to carry out the operations of the Office, as appropriate, efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979, including—

(1) to investigate crimes against humanity committed by national Khmer Rouge leaders during that period;

(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigation;

(3) to submit the relevant data to a national or international penal tribunal that may be convened to formally hear and judge the genocidal acts committed by the Khmer Rouge; and

(4) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

(c) **CONTRACTING AUTHORITY.**—The Secretary of State shall, subject to the availability of appropriations, contract with appropriate individuals and organizations to carry out the purpose of the Office.

(d) **NOTIFICATION TO CONGRESS.**—The Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives shall be notified of any exercise of the authority of section 34 of the State Department Basic Authorities Act of 1956 with respect to the Office or any of its programs, projects, or activities at least 15 days in advance in accordance with procedures applicable to notifications under that section.

**SEC. 574.<sup>93</sup> REPORTING REQUIREMENT.**

(a) **IN GENERAL.**—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees—

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(1) that describes the activities of the Office, and sets forth new facts learned about past Khmer Rouge practices, during the preceding 6-month period; and

(2) that describes the steps the President has taken during the preceding 6-month period to promote human rights, to support efforts to bring to justice the national political and military leadership of the Khmer Rouge, and to prevent the recurrence of human rights abuses in Cambodia through actions which are not related to United Nations activities in Cambodia.

(b) **DEFINITION.**—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**PART E—MIDDLE EAST PEACE FACILITATION****SEC. 581. SHORT TITLE.**

This part may be cited as the “Middle East Peace Facilitation Act of 1994”.

**SEC. 582. FINDINGS.**

The Congress finds that—

(1) the Palestine Liberation Organization has recognized the State of Israel’s right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all Palestine Liberation Organization elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(3) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993, at the White House;

(4) the United States has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(5) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President has requested flexibility to suspend certain provisions of law pertaining to the Palestine Liberation Organization.

**SEC. 583. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.**

(a) **IN GENERAL.**—Subject to subsection (b), beginning July 1, 1994, the President may suspend for a period of not more than 6 months any provision of law specified in subsection (c). The President may continue the suspension for a period or periods of not more than 6 months until March 31, 1996<sup>94</sup>, if, before each such period, the President satisfies the requirements of subsection (b).

<sup>94</sup>Section 605(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (P.L. 104–107) attempted to amend section 583(a) by striking “November 1, 1995” and inserting “January 1, 1996”. The amendment could not be executed because “November 1, 1995” does not appear.

Any suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATION.—Prior to each exercise of the authority provided in subsection (a), the President shall consult with the relevant congressional committees. The President may not exercise that authority until 30 days after a written policy justification is submitted to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(A) it is in the national interest of the United States to exercise such authority; and

(B) the Palestine Liberation Organization continues to abide by all the commitments described in paragraph (4).

(3) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—Any suspension under subsection (a) of a provision of law specified in subsection (c) shall cease to be effective if the President certifies to the relevant congressional committees that the Palestine Liberation Organization has not continued to abide by all the commitments described in paragraph (4).

(4) PLO COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3) are the commitments made by the Palestine Liberation Organization—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel; in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(i) recognize the right of the State of Israel to exist in peace and security;

(ii) accept United Nations Security Council Resolutions 242 and 338;

(iii) renounce the use of terrorism and other acts of violence;

(iv) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction, and

(B) in, and resulting from, the good faith implementation of, the Declaration of Principles on Interim Self-Government Arrangements signed on September 13, 1993.

(5) EXPECTATION OF CONGRESS REGARDING ANY EXTENSION OF PRESIDENTIAL AUTHORITY.—The Congress expects that any extension of the authority provided to the President in subsection (a) will be conditional on the Palestine Liberation Organization—

- (A) renouncing the Arab League boycott of Israel;
- (B) urging the nations of the Arab League to end the Arab League boycott of Israel;
- (C) cooperating with efforts undertaken by the President of the United States to end the Arab League boycott of Israel; and
- (D) condemning individual acts of terrorism and violence.
- (6) **REPORTING REQUIREMENT.**—As part of the President's written policy justification referred to in paragraph (1), the President will report on the PLO's response to individual acts of terrorism and violence, as well as its actions concerning the Arab League boycott of Israel as enumerated in paragraph (5) and on the status of the PLO office in the United States as enumerated in subsection (c)(3).
- (c) **PROVISIONS THAT MAY BE SUSPENDED.**—The provisions that may be suspended under the authority of subsection (a) are the following:
- (1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227)<sup>95</sup> as it applies with respect to the Palestine Liberation Organization or entities associated with it.
- (2) Section 114 of the Department of State Authorization Act, Fiscal years 1984 and 1985 (22 U.S.C. 287e note)<sup>96</sup> as it applies with respect to the Palestine Liberation Organization or entities associated with it.
- (3) Section 1003 of the Foreign Relations Authorization Act, Fiscal years 1988 and 1989 (22 U.S.C. 5202).<sup>97</sup>
- (4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286w)<sup>98</sup> as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.
- (d) **RELEVANT CONGRESSIONAL COMMITTEES DEFINED.**—As used in this section, the term "relevant congressional committees" means—
- (1) the Committee on Foreign Affairs, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and
- (2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

#### TITLE VI—PEACE CORPS<sup>99</sup>

##### **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$219,745,000 for the fiscal year 1994 and

<sup>95</sup> For text, see *Legislation on Foreign Relations Through 1993*, vol. I-A, page 120.

<sup>96</sup> For text, see page 385.

<sup>97</sup> For text, see page 725.

<sup>98</sup> For text, see *Legislation on Foreign Relations Through 1993*, vol. III.

<sup>99</sup> For other legislation relating to the Peace Corps, see *Legislation on Foreign Relations Through 1993*, vol. I-B, page 855.

\$234,745,000 for the fiscal year 1995 to carry out the Peace Corps Act.

(b) AVAILABILITY OF FUNDS.—Funds made available to the Peace Corps pursuant to the authorization under subsection (a) shall be available for the fiscal year for which appropriated and the subsequent fiscal year.

**SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.**

(a) EXTENSION OF CONTRACTING AUTHORITY.—Section 10(c) of the Peace Corps Act (22 U.S.C. 2509(c)) is amended by striking “thirty six months” and inserting “five years”.

(b) LIABILITY INSURANCE FOR MEDICAL SERVICES PERSONNEL.—Section 10(j) of the Peace Corps Act (22 U.S.C. 2509(j)) is amended by inserting before the period at the end of the first sentence “, and to individuals employed under personal services contracts to furnish medical services abroad pursuant to subsection (a)(5) of this section.”.

**TITLE VII—ARMS CONTROL**

**PART A—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994<sup>100</sup>**

\* \* \* \* \*

**SEC. 714. AUTHORITIES WITH RESPECT TO NONPROLIFERATION MATTERS.**

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

“(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director’s assessment as to whether the export of an article would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or non-proliferation agreements or other arrangements. The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director determines that the issuance of an export license under this section would be detrimental to the national security of the United States, to recommend to the President that such export license be disapproved.”.

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended—

(A) in the second sentence, by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(B) by inserting “(1)” immediately after “(a)”;

(C) by amending clause (C) (as redesignated) to read as follows: “(C) the assessment of the Director of the United States Arms Control and Disarmament Agency as to whether, and the

<sup>100</sup>Part A of title VII contains amendments to the Arms Control and Disarmament Act (see beginning at page 1187); 5 United States Code; the Arms Export Control Act (retained here until such amendments can be incorporated into *Legislation on Foreign Relations*, vol. I-A), and Nuclear Non-Proliferation Act of 1978 (see *Legislation on Foreign Relations Through 1993*, vol. IV). For freestanding provisions of part A, see page 1221.

extent to which, such sale might contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements.”; and

(D) by adding at the end the following:

“(2) Any proposed sale made pursuant to this Act shall be approved only after consultation with the Director of the United States Arms Control and Disarmament Agency. The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director determines that a sale under this section would be detrimental to the national security of the United States, to recommend to the President that such sale be disapproved.”.

(3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is amended by inserting “, the Director of the Arms Control and Disarmament Agency,” after “the Secretary of Defense”.

(4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1)) is amended by inserting “and the Director of the United States Arms Control and Disarmament Agency” after “Secretary of Defense”.

(5) Section 71(b)(2) of such Act (22 U.S.C. 2797(b)(2)) is amended—

(A) by striking “and the Secretary of Commerce” and inserting “, the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency”; and

(B) by inserting “or the Director” after “relevant Secretary”.

(6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is amended by inserting “with the Director of the United States Arms Control and Disarmament Agency,” after “Director of Central Intelligence,”.

(7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is amended by striking “and the Secretary of Commerce,” and inserting “, the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency,”.

(b)<sup>101</sup> AMENDMENT TO THE NUCLEAR NON-PROLIFERATION ACT.—

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**PART B—AMENDMENTS TO THE ARMS EXPORT CONTROL ACT<sup>102</sup>**

\* \* \* \* \*

**SEC. 731. LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.**

(a) TRANSFERS TO COUNTRIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.—Section 516(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)) is amended—

(1) by striking “and” at the end of paragraph (2);

<sup>101</sup> See *Legislation on Foreign Relations Through 1993*, vol. IV.

<sup>102</sup> Part B consists entirely of amendments to the Foreign Assistance Act of 1961, the Arms Export Control Act (retained here until such amendments can be incorporated into *Legislation on Foreign Relations*, vol. I–A) and the Export Administration Act of 1979. Amendments to the Export Administration Act have been incorporated into that Act in *Legislation on Foreign Relations Through 1993*, vol. III.

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.”.

(b) TRANSFERS TO COUNTRIES PARTICIPATING IN A COMPREHENSIVE NATIONAL ANTINARCOTICS PROGRAM.—Section 517(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(f)) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.”.

(c) TRANSFERS TO COUNTRIES ELIGIBLE TO PARTICIPATE IN A FOREIGN MILITARY FINANCING PROGRAM.—Section 519(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m(b)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.”.

(d) SALES FROM STOCK UNDER ARMS EXPORT CONTROL ACT.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

“(k) Before entering into the sale under this Act of defense articles that are excess to the stocks of the Department of Defense, the President shall first consider the effects of the sale of the articles on the national technology and industrial base, particularly the extent, if any, to which the sale reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are sold.”.

(e) LEASES UNDER ARMS EXPORT CONTROL ACT.—Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) the President first considers the effects of the lease of the articles on the national technology and industrial base, particularly the extent, if any, to which the lease reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the articles are leased; and”;

(4) in the matter following paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking “paragraph (3)” each place it appears and inserting “paragraph (4)”.

**SEC. 732. REPORTS UNDER THE ARMS EXPORT CONTROL ACT.**

(a) **NUMBERED CERTIFICATIONS WITH RESPECT TO GOVERNMENT-TO-GOVERNMENT SALES.**—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(1) by inserting after the second sentence the following new sentence: “Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification).”; and

(2) in subparagraph (C) by inserting “and a description from such contractor of any offset agreements proposed to be entered into in connection with such sale” after “sold”.

(b) **NUMBERED CERTIFICATIONS WITH RESPECT TO COMMERCIAL EXPORTS.**—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended—

(1) by inserting after the first sentence the following new sentence: “Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export (if known on the date of transmittal of such certification).”; and

(2) in the third sentence by inserting “and a description from the person who has submitted the license application of any offset agreement proposed to be entered into in connection with such export (if known on the date of transmittal of such statement)” after “Secretary of Defense”.

(c) **DEFINITIONS.**—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

“(e) For purposes of this section—

“(1) the term ‘offset agreement’ means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense service from the supplier; and

“(2) the term ‘United States person’ means—

“(A) an individual who is a national or permanent resident alien of the United States; and

“(B) any corporation, business association, partnership, trust, or other juridical entity—

“(i) organized under the laws of the United States or any State, district, territory, or possession thereof; or

“(ii) owned or controlled in fact by individuals described in subparagraph (A).”

**SEC. 733. PROHIBITION ON INCENTIVE PAYMENTS UNDER THE ARMS EXPORT CONTROL ACT.**

The Arms Export Control Act (22 U.S.C. 2779) is amended by inserting after section 39 the following new section:

**“SEC. 39A.<sup>103</sup> PROHIBITION ON INCENTIVE PAYMENTS.**

“(a) No United States supplier of defense articles or services sold under this Act, nor any employee, agent, or subcontractor thereof, shall, with respect to the sale of any such defense article or defense service to a foreign country, make any incentive payments for the purpose of satisfying, in whole or in part, any offset agreement with that country.

“(b) Any person who violates the provisions of this section shall be subject to the imposition of civil penalties as provided for in this section.

“(c) In the enforcement of this section, the President is authorized to exercise the same powers concerning violations and enforcement and imposition of civil penalties which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979 and section 12(a) of such Act, subject to the same terms and conditions as are applicable to such powers under that Act, except that notwithstanding section 11(c) of that Act, the civil penalty for each violation of this section may not exceed \$500,000 or five times the amount of the prohibited incentive payment, whichever is greater.

“(d) For purposes of this section—

“(1) the term ‘offset agreement’ means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense services from the supplier;

“(2) the term ‘incentive payments’ means direct monetary compensation made by a United States supplier of defense articles or defense services or by any employee, agent or subcontractor thereof to any other United States person to induce or persuade that United States person to purchase or acquire goods or services produced, manufactured, grown, or extracted, in whole or in part, in the foreign country which is purchasing those defense articles or services from the United States supplier; and

“(3) the term ‘United States person’ means—

“(A) an individual who is a national or permanent resident alien of the United States; and

<sup>103</sup> 22 U.S.C. 2779a.

“(B) any corporation, business association, partnership, trust, or other juridical entity—

    “(i) organized under the laws of the United States or any State, the District of Columbia, or any territory or possession of the United States; or

    “(ii) owned or controlled in fact by individuals described in subparagraph (A).”

**SEC. 734. MISSILE TECHNOLOGY EXPORTS TO CERTAIN MIDDLE EASTERN AND ASIAN COUNTRIES.**

(a) EXPORTS BY UNITED STATES PERSONS.—Section 72 of the Arms Export Control Act (22 U.S.C. 2797a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a United States person involved in the export, transfer, or trade of an item on the MTCR Annex, it should be a rebuttable presumption that such item is designed for use in a missile listed in the MTCR Annex if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.”

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

“(f) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a foreign person involved in the export, transfer, or trade of an item on the MTCR Annex, it should be a rebuttable presumption that such item is designed for use in a missile listed in the MTCR Annex if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.”

**SEC. 735. NOTIFICATION OF CONGRESS ON CERTAIN EVENTS INVOLVING THE MISSILE TECHNOLOGY CONTROL REGIME (MTCR).**

(a) SALE OF DEFENSE ARTICLES OR SERVICES.—Section 36(b)(1) of the Arms Export Control Act is amended by inserting after “sensitivity of such technology.” the following new sentence: “In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile non-proliferation policy.”

(b) EXPORT OF MAJOR DEFENSE EQUIPMENT.—Section 36(c)(1) of the Arms Export Control Act is amended by inserting after “in consultation with the Secretary of Defense.” the following new sentence: “In a case in which such articles or services are listed on the Missile Technology Control Regime Annex and are intended to sup-

port the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy.”

(c) LICENSING.—Section 71 of the Arms Export Control Act is amended by inserting after subsection (c) the following new subsection:

“(d) EXPORTS TO SPACE LAUNCH VEHICLE PROGRAMS.—Within 15 days after the issuance of a license for the export of items valued at less than \$14,000,000 that are controlled under this Act pursuant to United States obligations under the Missile Technology Control Regime and intended to support the design, development, or production of a space launch vehicle system listed in Category I of the MTCR Annex, the Secretary shall transmit to the Congress a report describing the licensed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. The requirement contained in the preceding sentence shall not apply to licenses for exports to countries that were members of the MTCR as of April 17, 1987.”

(d) NOTIFICATION OF ADMITTANCE ON MTCR ADHERENTS.—The Arms Export Control Act is amended by inserting after section 73 the following new section:

**“SEC. 73A.<sup>104</sup> NOTIFICATION OF ADMITTANCE OF MTCR ADHERENTS.**

“Following any action by the United States that results in a country becoming a MTCR adherent, the President shall transmit promptly to the Congress a report which describes the rationale for such action, together with an assessment of that country’s nonproliferation policies, practices, and commitments. Such report shall also include the text of any agreements or understandings between the United States and such country regarding the terms and conditions of the country’s adherence to the MTCR.”

**SEC. 736. CONTROL OF REEXPORTS TO TERRORIST COUNTRIES.**

Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended<sup>105</sup> by adding at the end the following new paragraph:

“(5) The Secretary and the Secretary of State shall include in the notification required by paragraph (2)—

“(A) a detailed description of the goods or services to be offered, including a brief description of the capabilities of any article for which a license to export is sought;

“(B) the reasons why the foreign country or international organization to which the export or transfer is proposed to be made needs the goods or services which are the subject of such export or transfer and a description of the manner in which such country or organization intends to use such articles, services, or design and construction services;

“(C) the reasons why the proposed export or transfer is in the national interest of the United States;

<sup>104</sup> 22 U.S.C. 2797b-1.

<sup>105</sup> For text, see *Legislation on Foreign Relations Through 1993*, vol. III.

“(D) an analysis of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made;

“(E) an analysis of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the goods or services which are the subject of such export would be delivered and whether other countries in the region have comparable kinds and amounts of articles, services, or design and construction services; and

“(F) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the goods or services which are the subject of such export would be delivered.”

#### TITLE VIII—NUCLEAR PROLIFERATION PREVENTION ACT<sup>106</sup>

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Nuclear Proliferation Prevention Act of 1994”.

##### PART A—REPORTING ON NUCLEAR EXPORTS<sup>107</sup>

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##### PART B—SANCTIONS FOR NUCLEAR PROLIFERATION<sup>108</sup>

##### SEC. 821. IMPOSITION OF PROCUREMENT SANCTION ON PERSONS ENGAGING IN EXPORT ACTIVITIES THAT CONTRIBUTE TO PROLIFERATION.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines in writing that, on or after the effective date of this part, a foreign person or a United States person has materially and with requisite knowledge contributed, through the export from the United States or any other country of any goods or technology (as defined in section 830(2)), to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear mate-

<sup>106</sup> 22 U.S.C. 3201 note.

<sup>107</sup> Part A amends the Nuclear Non-Proliferation Act of 1978; for text, see *Legislation on Foreign Relations Through 1993*, vol. IV. See also sec. 851 of this Act for effective date.

<sup>108</sup> Sec. 831 of this Act provided:

“SEC. 831. EFFECTIVE DATE.

“The provisions of this part, and the amendments made by this part, shall take effect 60 days after the date of the enactment of this Act.”

Part D of this title, however, provided:

##### “PART D—TERMINATION

“SEC. 851. TERMINATION UPON ENACTMENT OF NEXT FOREIGN RELATIONS ACT.

“On the date of enactment of the first Foreign Relations Authorization Act that is enacted after the enactment of this Act, the provisions of parts A and B of this title shall cease to be effective, the amendments made by those parts shall be repealed, and any provision of law repealed by those parts shall be reenacted.”

rial or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

(2) PERSONS AGAINST WHICH THE SANCTION IS TO BE IMPOSED.—The sanction shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(3) OTHER SANCTIONS AVAILABLE.—The sanction which is required to be imposed for activities described in this subsection is in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term “requisite knowledge” means situations in which a person “knows”, as “knowing” is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes a determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of the sanction pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of the sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies in writing to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for up to an additional 90 days if the President determines and certifies in writing to the Congress that that government is in the process of taking the actions described in the preceding sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives

a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTION.—

(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanction under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) ADVISORY OPINIONS.—Upon the request of any person, the Secretary of State may, in consultation with the Secretary of Defense, issue in writing an advisory opinion to that person as to whether a proposed activity by that person would subject that person to the sanction under this section. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanction, and any person who thereafter engages in such activity, may not be made subject to such sanction on account of such activity.

(e) TERMINATION OF THE SANCTION.—The sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to

apply thereafter only if the President determines and certifies in writing to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(f) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies in writing to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

#### SEC. 822. ELIGIBILITY FOR ASSISTANCE.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—

(1) PROHIBITION.—Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by adding at the end the following new subsection:

“(f) No sales or leases shall be made to any country that the President has determined is in material breach of its binding commitments to the United States under international treaties or agreements concerning the nonproliferation of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994) and unsafeguarded special nuclear material (as defined in section 830(8) of that Act).”

(2) DEFINITION OF SUPPORT FOR INTERNATIONAL TERRORISM.—Section 40 of such Act (22 U.S.C. 2780) is amended—

(A) in subsection (d), by adding at the end the following new sentence: “For purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material.”; and

(B) in subsection (1)—

(i) in paragraph (2), by striking “and” after the semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(4) the term ‘nuclear explosive device’ has the meaning given that term in section 830(4) of the Nuclear Proliferation Prevention Act of 1994; and

“(5) the term ‘unsafeguarded special nuclear material’ has the meaning given that term in section 830(8) of the Nuclear Proliferation Prevention Act of 1994.”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—

(1) PRESIDENTIAL DETERMINATION 82–7.—Notwithstanding any other provision of law, Presidential Determination No. 82–7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 102(a)(1) of the Arms Export Control Act arising on or after the effective date of this part.

(2) AMENDMENT.—Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

“(d) The President may waive the prohibitions of section 101 of the Arms Export Control Act with respect to any grounds for the prohibition of assistance under that section arising before the effective date of part B of the Nuclear Proliferation Prevention Act of 1994 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.”.

**SEC. 823. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.**

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any use of the institution’s funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

“(3) whether the recipient country—

“(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or a nuclear explosive device (as defined in section 830(4) of that Act);

“(B) is not a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons; or

“(C) has detonated a nuclear explosive device; and”.

**SEC. 824. PROHIBITION ON ASSISTING NUCLEAR PROLIFERATION THROUGH THE PROVISION OF FINANCING.**

(a) PROHIBITED ACTIVITY DEFINED.—For purposes of this section, the term “prohibited activity” means the act of knowingly, materially, and directly contributing or attempting to contribute, through the provision of financing, to—

(1) the acquisition of unsafeguarded special nuclear material; or

(2) the use, development, production, stockpiling, or other acquisition of any nuclear explosive device, by any individual, group, or non-nuclear-weapon state.

(b) PROHIBITION.—To the extent that the United States has jurisdiction to prohibit such activity by such person, no United States person and no foreign person may engage in any prohibited activity.

(c) PRESIDENTIAL DETERMINATION AND ORDER WITH RESPECT TO UNITED STATES AND FOREIGN PERSONS.—If the President determines, in writing after opportunity for a hearing on the record, that a United States person or a foreign person has engaged in a prohibited activity (without regard to whether subsection (b) applies), the President shall, by order, impose the sanctions described in subsection (d) on such person.

(d) SANCTIONS.—The following sanctions shall be imposed pursuant to any order issued under subsection (c) with respect to any United States person or any foreign person:

(1) BAN ON DEALINGS IN GOVERNMENT FINANCE.—

(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the person as a primary dealer in United States Government debt instruments.

(B) SERVICE AS DEPOSITARY.—The person may not serve as a depositary for United States Government funds.

(2) RESTRICTIONS ON OPERATIONS.—The person may not, directly or indirectly—

(A) commence any line of business in the United States in which the person was not engaged as of the date of the order; or

(B) conduct business from any location in the United States at which the person did not conduct business as of the date of the order.

(e) JUDICIAL REVIEW.—Any determination of the President under subsection (c) shall be subject to judicial review in accordance with chapter 7 of part I of title 5, United States Code.

(f) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes a determination under subsection (c) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with any appropriate foreign government with respect to the imposition of any sanction pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—

(A) SUSPENSION OF PERIOD FOR IMPOSING SANCTIONS.—In order to pursue consultations described in paragraph (1) with any government referred to in such paragraph, the President may delay, for up to 90 days, the effective date of an order under subsection (c) imposing any sanction.

(B) COORDINATION WITH ACTIVITIES OF FOREIGN GOVERNMENT.—Following consultations described in paragraph

(1), the order issued by the President under subsection (c) imposing any sanction on a foreign person shall take effect unless the President determines, and certifies in writing to the Congress, that the government referred to in paragraph (1) has taken specific and effective actions, including the imposition of appropriate penalties, to terminate the involvement of the foreign person in any prohibited activity.

(C) EXTENSION OF PERIOD.—After the end of the period described in subparagraph (A), the President may delay, for up to an additional 90 days, the effective date of an order issued under subsection (b) imposing any sanction on a foreign person if the President determines, and certifies in writing to the Congress, that the appropriate foreign government is in the process of taking actions described in subparagraph (B).

(3) REPORT TO CONGRESS.—Before the end of the 90-day period beginning on the date on which an order is issued under subsection (c), the President shall submit to the Congress a report on—

(A) the status of consultations under this subsection with the government referred to in paragraph (1); and

(B) the basis for any determination under paragraph (2) that such government has taken specific corrective actions.

(g) TERMINATION OF THE SANCTIONS.—Any sanction imposed on any person pursuant to an order issued under subsection (c) shall—

(1) remain in effect for a period of not less than 12 months; and

(2) cease to apply after the end of such 12-month period only if the President determines, and certifies in writing to the Congress, that—

(A) the person has ceased to engage in any prohibited activity; and

(B) the President has received reliable assurances from such person that the person will not, in the future, engage in any prohibited activity.

(h) WAIVER.—The President may waive the continued application of any sanction imposed on any person pursuant to an order issued under subsection (c) if the President determines, and certifies in writing to the Congress, that the continued imposition of the sanction would have a serious adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

(i) ENFORCEMENT ACTION.—The Attorney General may bring an action in an appropriate district court of the United States for injunctive and other appropriate relief with respect to—

(1) any violation of subsection (b); or

(2) any order issued pursuant to subsection (c).

(j) KNOWINGLY DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term “knowingly” means the state of mind of a person with respect to conduct, a circumstance, or a result in which—

(A) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

(B) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

(2) **KNOWLEDGE OF THE EXISTENCE OF A PARTICULAR CIRCUMSTANCE.**—If knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

(k) **SCOPE OF APPLICATION.**—This section shall apply with respect to prohibited activities which occur on or after the date this part takes effect.

**SEC. 825. EXPORT-IMPORT BANK.**

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended in the first sentence by inserting after “device” the following: “(as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994), or that any country has willfully aided or abetted any non-nuclear-weapon state (as defined in section 830(5) of that Act) to acquire any such nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 830(8) of that Act).”.

**SEC. 826. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.**

(a) **IN GENERAL.**—The Arms Export Control Act is amended by adding at the end the following new chapter:

“CHAPTER 10—NUCLEAR NONPROLIFERATION CONTROLS

“**SEC. 101.**<sup>109</sup> **NUCLEAR ENRICHMENT TRANSFERS.**

“(a) **PROHIBITIONS; SAFEGUARDS AND MANAGEMENT.**—Except as provided in subsection (b) of this section, no funds made available to carry out the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II of that Act, or extending military credits or making guarantees, to any country which the President determines delivers nuclear enrichment equipment, materials, or technology to any other country on or after August 4, 1977, or receives such equipment, materials, or technology from any other country on or after August 4, 1977, unless before such delivery—

“(1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

“(2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and fa-

<sup>109</sup> 22 U.S.C. 2799aa.

cilities in such country under the safeguards system of such Agency.

“(b) CERTIFICATION BY PRESIDENT OF NECESSITY OF CONTINUED ASSISTANCE; DISAPPROVAL BY CONGRESS.—(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

“(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

“(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

“(2)(A) A certification under paragraph (1) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within thirty calendar days after receiving this certification, the Congress enacts a joint resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the enactment of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

“(B) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

**“SEC. 102.<sup>110</sup> NUCLEAR REPROCESSING TRANSFERS, ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES, TRANSFERS OF NUCLEAR EXPLOSIVE DEVICES, AND NUCLEAR DETONATIONS.**

“(a) PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OF NUCLEAR REPROCESSING EQUIPMENT, MATERIALS, OR TECHNOLOGY; EXCEPTIONS; PROCEDURES APPLICABLE.—(1) Except as provided in paragraph (2) of this subsection, no funds made available to carry out the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II of that Act, or extending military credits or making guarantees, to any country which the President determines—

“(A) delivers nuclear reprocessing equipment, materials, or technology to any other country on or after August 4, 1977, or receives such equipment, materials, or technology from any other country on or after August 4, 1977 (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing), or

<sup>110</sup> 22 U.S.C. 2799aa-1.

“(B) is a non-nuclear-weapon state which, on or after August 8, 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device.

For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.

“(2) Notwithstanding paragraph (1) of this subsection, the President in any fiscal year may furnish assistance which would otherwise be prohibited under that paragraph if he determines and certifies in writing during that fiscal year to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

“(3)(A) A certification under paragraph (2) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within 30 calendar days after receiving this certification, the Congress enacts a joint resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the enactment of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

“(B) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(b) PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES; EXCEPTIONS; PROCEDURES APPLICABLE.—(1) Except as provided in paragraphs (4), (5), and (6), in the event that the President determines that any country, after the effective date of part B of the Nuclear Proliferation Prevention Act of 1994—

“(A) transfers to a non-nuclear-weapon state a nuclear explosive device,

“(B) is a non-nuclear-weapon state and either—

“(i) receives a nuclear explosive device, or

“(ii) detonates a nuclear explosive device,

“(C) transfers to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

“(D) is a non-nuclear-weapon state and seeks and receives any design information or component which is determined by the President to be important to, and intended by the recipient

state for use in, the development or manufacture of any nuclear explosive device, then the President shall forthwith report in writing his determination to the Congress and shall forthwith impose the sanctions described in paragraph (2) against that country.

“(2) The sanctions referred to in paragraph (1) are as follows:

“(A) The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for humanitarian assistance or food or other agricultural commodities.

“(B) The United States Government shall terminate—

“(i) sales to that country under this Act of any defense articles, defense services, or design and construction services, and

“(ii) licenses for the export to that country of any item on the United States Munitions List.

“(C) The United States Government shall terminate all foreign military financing for that country under this Act.

“(D) The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, except that the sanction of this subparagraph shall not apply—

“(i) to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities), or

“(ii) to humanitarian assistance.

“(E) The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by any international financial institution.

“(F) The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

“(G) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of specific goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

“(3) As used in this subsection—

“(A) the term ‘design information’ means specific information that relates to the design of a nuclear explosive device and that is not available to the public; and

“(B) the term ‘component’ means a specific component of a nuclear explosive device.

“(4)(A) Notwithstanding paragraph (1) of this subsection, the President may, for a period of not more than 30 days of continuous session, delay the imposition of sanctions which would otherwise be required under paragraph (1)(A) or (1)(B) of this subsection if the

President first transmits to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a certification that he has determined that an immediate imposition of sanctions on that country would be detrimental to the national security of the United States. Not more than one such certification may be transmitted for a country with respect to the same detonation, transfer, or receipt of a nuclear explosive device.

“(B) If the President transmits a certification to the Congress under subparagraph (A), a joint resolution which would permit the President to exercise the waiver authority of paragraph (5) of this subsection shall, if introduced in either House within thirty days of continuous session after the Congress receives this certification, be considered in the Senate in accordance with subparagraph (C) of this paragraph.

“(C) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(D) For purposes of this paragraph, the term ‘joint resolution’ means a joint resolution the matter after the resolving clause of which is as follows: ‘That the Congress having received on — a certification by the President under section 102(b)(4) of the Arms Export Control Act with respect to —, the Congress hereby authorizes the President to exercise the waiver authority contained in section 102(b)(5) of that Act.’, with the date of receipt of the certification inserted in the first blank and the name of the country inserted in the second blank.

“(5) Notwithstanding paragraph (1) of this subsection, if the Congress enacts a joint resolution under paragraph (4) of this subsection, the President may waive any sanction which would otherwise be required under paragraph (1)(A) or (1)(B) if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the imposition of such sanction would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

“(6)(A) In the event the President is required to impose sanctions against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform such country and shall impose the required sanctions beginning 30 days after submitting to the Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of such sanctions.

“(B) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The Presi-

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dent shall transmit with such certification a statement setting forth the specific reasons therefor.

“(7) For purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

“(8) The President may not delegate or transfer his power, authority, or discretion to make or modify determinations under this subsection.

“(c) NON-NUCLEAR-WEAPON STATE DEFINED.—As used in this section, the term ‘non-nuclear-weapon state’ means any country which is not a nuclear-weapon state, as defined in Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

**“SEC. 103.<sup>111</sup> DEFINITION OF NUCLEAR EXPLOSIVE DEVICE.**

“As used in this chapter, the term ‘nuclear explosive device’ has the meaning given that term in section 830(4) of the Nuclear Proliferation Prevention Act of 1994.””

(b) REPEALS.—Sections 669 and 670 of the Foreign Assistance Act of 1961 are hereby repealed.<sup>112</sup>

(c) REFERENCES IN LAW.—Any reference in law as of the date of enactment of this Act to section 669 or 670 of the Foreign Assistance Act of 1961 shall, after such date, be deemed to be a reference to section 101 or 102, as the case may be, of the Arms Export Control Act.

**SEC. 827.<sup>113</sup> REWARD. \* \* \*****SEC. 828. REPORTS.**

(a)<sup>114</sup> CONTENT OF ACDA ANNUAL REPORT.—

(b) REPORTING ON DEMARCHES.—(1) It is the sense of the Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term “demarche” means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

<sup>111</sup> 22 U.S.C. 2799aa–2.

<sup>112</sup> 22 U.S.C. 2429 and 22 U.S.C. 2429a, respectively.

<sup>113</sup> Sec. 827 amended sec. 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)); page 48.

<sup>114</sup> Sec. 828(a) amended sec. 51(a) of the Arms Control and Disarmament Act; page 1210.

(C) both the concern and request described in subparagraphs (A) and (B).

\* \* \* \* \*

**SEC. 830. DEFINITIONS.**

For purposes of this part—

(1) the term “foreign person” means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States;

(2) the term “goods or technology” means—

(A) nuclear materials and equipment and sensitive nuclear technology (as such terms are defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, and all technical assistance requiring authorization under section 57 b. of the Atomic Energy Act of 1954, and

(B) in the case of exports from a country other than the United States, any goods or technology that, if exported from the United States, would be goods or technology described in subparagraph (A);

(3) the term “IAEA safeguards” means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(4) the term “nuclear explosive device” means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(5) the term “non-nuclear-weapon state” means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(6) the term “special nuclear material” has the meaning given that term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa);

(7) the term “United States person” means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a foreign person; and

(8) the term “unsafeguarded special nuclear material” means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from

the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

**SEC. 831. EFFECTIVE DATE.**

The provisions of this part, and the amendments made by this part, shall take effect 60 days after the date of the enactment of this Act.

**PART C—INTERNATIONAL ATOMIC ENERGY AGENCY**<sup>115</sup>**SEC. 841. BILATERAL AND MULTILATERAL INITIATIVES.**

It is the sense of the Congress that in order to maintain and enhance international confidence in the effectiveness of IAEA safeguards and in other multilateral undertakings to halt the global proliferation of nuclear weapons, the United States should seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group, to—

(1) build international support for the principle that nuclear supply relationships must require purchasing nations to agree to full-scope international safeguards;

(2) encourage each nuclear-weapon state within the meaning of the Treaty to undertake a comprehensive review of its own procedures for declassifying information relating to the design or production of nuclear explosive devices and to investigate any measures that would reduce the risk of such information contributing to nuclear weapons proliferation;

(3) encourage the deferral of efforts to produce weapons-grade nuclear material for large-scale commercial uses until such time as safeguards are developed that can detect, on a timely and reliable basis, the diversion of significant quantities of such material for nuclear explosive purposes;

(4) pursue greater financial support for the implementation and improvement of safeguards from all IAEA member nations with significant nuclear programs, particularly from those nations that are currently using or planning to use weapons-grade nuclear material for commercial purposes;

(5) arrange for the timely payment of annual financial contributions by all members of the IAEA, including the United States;

(6) pursue the elimination of international commerce in highly enriched uranium for use in research reactors while encouraging multilateral cooperation to develop and to use low-enriched alternative nuclear fuels;

(7) oppose efforts by non-nuclear-weapon states to develop or use unsafeguarded nuclear fuels for purposes of naval propulsion;

(8) pursue an international open skies arrangement that would authorize the IAEA to operate surveillance aircraft and would facilitate IAEA access to satellite information for safeguards verification purposes;

(9) develop an institutional means for IAEA member nations to share intelligence material with the IAEA on possible

<sup>115</sup> See related legislation under “Energy, Natural Resources, and Environment,” in *Legislation on Foreign Relations Through 1993*, vol. IV.

safeguards violations without compromising national security or intelligence sources or methods;

(10) require any exporter of a sensitive nuclear facility or sensitive nuclear technology to a non-nuclear-weapon state to notify the IAEA prior to export and to require safeguards over that facility or technology, regardless of its destination; and

(11) seek agreement among the parties to the Treaty to apply IAEA safeguards in perpetuity and to establish new limits on the right to withdraw from the Treaty.

**SEC. 842. IAEA INTERNAL REFORMS.**

In order to promote the early adoption of reforms in the implementation of the safeguards responsibilities of the IAEA, the Congress urges the President to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group, to—

(1) improve the access of the IAEA within nuclear facilities that are capable of producing, processing, or fabricating special nuclear material suitable for use in a nuclear explosive device;

(2)(A) facilitate the IAEA's efforts to meet and to maintain its own goals for detecting the diversion of nuclear materials and equipment, giving particular attention to facilities in which there are bulk quantities of plutonium; and

(B) if it is not technically feasible for the IAEA to meet those detection goals in a particular facility, require the IAEA to declare publicly that it is unable to do so;

(3) enable the IAEA to issue fines for violations of safeguards procedures, to pay rewards for information on possible safeguards violations, and to establish a "hot line" for the reporting of such violations and other illicit uses of weapons-grade nuclear material;

(4) establish safeguards at facilities engaged in the manufacture of equipment or material that is especially designated or prepared for the processing, use, or production of special fissionable material or, in the case of non-nuclear-weapon states, of any nuclear explosive device;

(5) establish safeguards over nuclear research and development activities and facilities;

(6) implement special inspections of undeclared nuclear facilities, as provided for under existing safeguards procedures, and seek authority for the IAEA to conduct challenge inspections on demand at suspected nuclear sites;

(7) expand the scope of safeguards to include tritium, uranium concentrates, and nuclear waste containing special fissionable material, and increase the scope of such safeguards on heavy water;

(8) revise downward the IAEA's official minimum amounts of nuclear material ("significant quantity") needed to make a nuclear explosive device and establish these amounts as national rather than facility standards;

(9) expand the use of full-time resident IAEA inspectors at sensitive fuel cycle facilities;

(10) promote the use of near real time material accountability in the conduct of safeguards at facilities that use,

produce, or store significant quantities of special fissionable material;

(11) develop with other IAEA member nations an agreement on procedures to expedite approvals of visa applications by IAEA inspectors;

(12) provide the IAEA the additional funds, technical assistance, and political support necessary to carry out the goals set forth in this subsection; and

(13) make public the annual safeguards implementation report of the IAEA, establishing a public registry of commodities in international nuclear commerce, including dual-use goods, and creating a public repository of current nuclear trade control laws, agreements, regulations, and enforcement and judicial actions by IAEA member nations.

**SEC. 843. REPORTING REQUIREMENT.**

(a) **REPORT REQUIRED.**—The President shall, in the report required by section 601(a) of the Nuclear Non-Proliferation Act of 1978, describe—

(1) the steps he has taken to implement sections 841 and 842, and

(2) the progress that has been made and the obstacles that have been encountered in seeking to meet the objectives set forth in sections 841 and 842.

(b) **CONTENTS OF REPORT.**—Each report under paragraph (1) shall describe—

(1) the bilateral and multilateral initiatives that the President has taken during the period since the enactment of this Act in pursuit of each of the objectives set forth in sections 841 and 842;

(2) any obstacles that have been encountered in the pursuit of those initiatives;

(3) any additional initiatives that have been proposed by other countries or international organizations to strengthen the implementation of IAEA safeguards;

(4) all activities of the Federal Government in support of the objectives set forth in sections 841 and 842;

(5) any recommendations of the President on additional measures to enhance the effectiveness of IAEA safeguards; and

(6) any initiatives that the President plans to take in support of each of the objectives set forth in sections 841 and 842.

**SEC. 844. DEFINITIONS.**

As used in this part—

(1) the term “highly enriched uranium” means uranium enriched to 20 percent or more in the isotope U-235;

(2) the term “IAEA” means the International Atomic Energy Agency;

(3) the term “near real time material accountancy” means a method of accounting for the location, quantity, and disposition of special fissionable material at facilities that store or process such material, in which verification of peaceful use is continuously achieved by means of frequent physical inventories and the use of in-process instrumentation;

(4) the term “special fissionable material” has the meaning given that term by Article XX(1) of the Statute of the International Atomic Energy Agency, done at the Headquarters of the United Nations on October 26, 1956;

(5) the term “the Treaty” means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968; and

(6) the terms “IAEA safeguards”, “non-nuclear-weapon state”, “nuclear explosive device”, and “special nuclear material” have the meanings given those terms in section 830 of this Act.

#### PART D—TERMINATION

##### SEC. 851. TERMINATION UPON ENACTMENT OF NEXT FOREIGN RELATIONS ACT.

On the date of enactment of the first Foreign Relations Authorization Act that is enacted after the enactment of this Act, the provisions of parts A and B of this title shall cease to be effective, the amendments made by those parts shall be repealed, and any provision of law repealed by those parts shall be reenacted.

#### TITLE IX—COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

##### SEC. 901.<sup>116</sup> SHORT TITLE.

This title may be cited as the “Protection and Reduction of Government Secrecy Act”.

##### SEC. 902.<sup>116</sup> FINDINGS.

The Congress makes the following findings:

(1) During the Cold War an extensive secrecy system developed which limited public access to information and reduced the ability of the public to participate with full knowledge in the process of governmental decisionmaking.

(2) In 1992 alone 6,349,532 documents were classified and approximately three million persons held some form of security clearance.

(3) The burden of managing more than 6 million newly classified documents every year has led to tremendous administrative expense, reduced communication within the government and within the scientific community, reduced communication between the government and the people of the United States, and the selective and unauthorized public disclosure of classified information.

(4) It has been estimated that private businesses spend more than \$14 billion each year implementing government mandated regulations for protecting classified information.

(5) If a smaller amount of truly sensitive information were classified the information could be held more securely.

(6) In 1970 a Task Force organized by the Defense Science Board and headed by Dr. Frederick Seitz concluded that “more might be gained than lost if our Nation were to adopt—unilat-

<sup>116</sup> 50 U.S.C. 401 note.

erally, if necessary—a policy of complete openness in all areas of information”.

(7) The procedures for granting security clearances have themselves become an expensive and inefficient part of the secrecy system and should be closely examined.

(8) A bipartisan study commission specially constituted for the purpose of examining the consequences of the secrecy system will be able to offer comprehensive proposals for reform.

**SEC. 903.**<sup>116</sup> **PURPOSE.**

It is the purpose of this title to establish for a two-year period a Commission on Protecting and Reducing Government Secrecy—

(1) to examine the implications of the extensive classification of information and to make recommendations to reduce the volume of information classified and thereby to strengthen the protection of legitimately classified information; and

(2) to examine and make recommendations concerning current procedures relating to the granting of security clearances.

**SEC. 904.**<sup>116</sup> **COMPOSITION OF THE COMMISSION.**

(a) **ESTABLISHMENT.**—To carry out the purpose of this title, there is established a Commission on Protecting and Reducing Government Secrecy (in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of twelve members, as follows:

(1) Four members appointed by the President, of whom two shall be appointed from the executive branch of the Government and two shall be appointed from private life.

(2) Two members appointed by the Majority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be appointed from private life.

(3) Two members appointed by the Minority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be appointed from private life.

(4) Two members appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be appointed from private life.

(5) Two members appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be appointed from private life.

(c) **CHAIRMAN.**—The Commission shall elect a Chairman from among its members.

(d) **QUORUM; VACANCIES.**—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members. Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) **APPOINTMENT OF MEMBERS; INITIAL MEETING.**—(1) It is the sense of the Congress that members of the Commission should be appointed not later than 60 days after the date of enactment of this title.

(2) If after 60 days from the date of enactment of this Act seven or more members of the Commission have been appointed, those members who have been appointed may meet and select a

Chairman who thereafter shall have authority to begin the operations of the Commission, including the hiring of staff.

**SEC. 905.**<sup>116</sup> **FUNCTIONS OF THE COMMISSION.**

The functions of the Commission shall be—

(1) to conduct, for a period of 2 years from the date of its first meeting, an investigation into all matters in any way related to any legislation, executive order, regulation, practice, or procedure relating to classified information or granting security clearances; and

(2) to submit to the Congress a final report containing such recommendations concerning the classification of national security information and the granting of security clearances as the Commission shall determine, including proposing new procedures, rules, regulations, or legislation.

**SEC. 906.**<sup>116</sup> **POWERS OF THE COMMISSION.**

(a) **IN GENERAL.**—(1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) Subpoenas issued under paragraph (1)(B) may be issued under the signature of the Chairman of the Commission, the chairman of any designated subcommittee, or any designated member, and may be served by any person designated by such Chairman, subcommittee chairman, or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—(1) The Secretary of State is authorized on a reimbursable or non-reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

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(2) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(3) In addition to the assistance set forth in paragraphs (1) and (2), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

**SEC. 907.<sup>116</sup> STAFF OF THE COMMISSION.**

(a) IN GENERAL.—The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(b) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

**SEC. 908.<sup>116</sup> COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**SEC. 909.**<sup>116</sup> **SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information pursuant to this section who would not otherwise qualify for such security clearance.

**SEC. 910.**<sup>116</sup> **FINAL REPORT OF COMMISSION; TERMINATION.**

(a) **FINAL REPORT.**—Not later than two years after the date of the first meeting of the Commission, the Commission shall submit to the Congress its final report, as described in section 905(2).

(b) **TERMINATION.**—(1) The Commission, and all the authorities of this title, shall terminate on the date which is 60 days after the date on which a final report is required to be transmitted under subsection (a).

(2) The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its final report and disseminating that report.